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Federal Register

Wednesday
October 22, 1986

Briefings on How To Use the Federal Register—
For information on briefings in Washington, DC, New York, NY, and Pittsburgh, PA, see announcement on the inside cover of this issue.

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THE FEDERAL REGISTER
WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 2 1/2 hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the Federal Register and Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WASHINGTON, DC

WHEN: November 18 at 9:30 a.m.

WHERE: National Archives Theater, 8th and Pennsylvania Avenue NW., Washington, DC

RESERVATIONS: Laurice Clark, 202–523–3419.

NEW YORK, NY.

WHEN: December 5 at 10:00 a.m.,

WHERE: Room 305A, 26 Federal Plaza, New York, NY

RESERVATIONS: Arlene Shapiro or Stephen Colon, New York Federal Information Center, 212–264–4810.

PITTSBURGH, PA.

WHEN: December 8 at 1:30 p.m.,

WHERE: Room 2212, William S. Moorehead Federal Building, 1000 Liberty Avenue, Pittsburgh, PA

RESERVATIONS: Kenneth Jones or Lydia Shaw
Pittsburgh: 412–644–INFO
Philadelphia: 215–597–1707, 1709

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Presidential Documents

Title 3—

The President

Proclamation 5555 of October 20, 1986

National Hungarian Freedom Fighters Day, 1986

By the President of the United States of America

A Proclamation

The people of Hungary have contributed many chapters to the history of the struggle for liberty, but never more nobly than in 1956. On October 23 of that year, Hungarians, including the young people, rose up in revolt against communist dictatorship and Soviet occupation.

The freedom fighters, as they were called by a world amazed at their heroism and idealism, fought almost barehanded against heavy odds, and soon fell victim to treachery and ruthless suppression. But they lit a candle of hope and inspiration that can never be extinguished.

The Hungarian Revolution of 1956 was a true revolution of, by, and for the people. Its motivations were humanity's universal longings to live, worship, and work in peace and to determine one's own destiny. The Hungarian Revolution forever gave the lie to communism's claims to represent the people, and it told the world that brave hearts still exist to challenge injustice.

The Hungarian freedom fighters of 1956 perished or suffered exile, but their sacrifice lives on in the memory of the Hungarian people. Their example lives on as well, for we see brave people—we call them freedom fighters too—in genuine popular revolutions against communist oppression around the world. Let us honor the Hungarian freedom fighters of 1956 with renewed dedication to our own freedom and with continued assistance for those who follow in their footsteps today.

In memory of the Hungarian heroes of 1956, and to honor those who struggle still, the Congress, by Senate Joint Resolution 385, has designated October 23, 1986, as "National Hungarian Freedom Fighters Day" and authorized and requested the President to issue a proclamation in observance of this event.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim October 23, 1986, as National Hungarian Freedom Fighters Day. I invite the people of the United States to observe this day with appropriate ceremonies and activities to reaffirm their dedication to the international principles of justice and freedom, which unite and inspire us.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of October, in the year of our Lord nineteen hundred and eighty-six, and of the Independence of the United States of America the two hundred and eleventh.

Ronald Reagan

[FR Doc. 86-24019
Filed 10-21-86; 9:02 am]
Billing code 3195-01-M

Presidential Documents

Proclamation 5556 of October 20, 1986

National Women Veterans Recognition Week, 1986

By the President of the United States of America

A Proclamation

As Veterans Day approaches, it is appropriate to honor a small but growing segment of our veteran population—the 1.2 million women veterans. These women who served in uniform now comprise approximately 4.2 percent of the total veteran population, and they have demonstrated their dedication and their patriotism in situations that often entailed great hardship and danger. Their contribution to our national security continues to grow as the number and proportion of women in all branches of service continue to increase.

Through their sacrifices in behalf of all Americans, women in the Armed Forces have a record of achievement of which they can be justly proud. And we should all be proud of them. Their courage, dedication to duty, and unswerving fidelity to our Nation's ideals deserve our sincere gratitude.

During the past few years, great progress has been made in the effort to honor women veterans and to recognize their special needs and concerns. It is fitting that we, as a Nation, express our great appreciation to our women veterans for their vital contribution to our national security.

In recognition of the many contributions of women veterans, the Congress, by Senate Joint Resolution 311, has designated the week beginning November 9, 1986, as "National Women Veterans Recognition Week" and authorized and requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week beginning November 9, 1986, as National Women Veterans Recognition Week. I encourage all Americans and government officials at all levels to celebrate this week with appropriate observances and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of October, in the year of our Lord nineteen hundred and eighty-six, and of the Independence of the United States of America the two hundred and eleventh.

Ronald Reagan

[FR Doc. 86-24020
Filed 10-21-86; 9:03 am]
Billing code 3195-01-M

Rules and Regulations

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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 114

[Docket No. 86-092]

Unlicensed Products Prepared Solely for Intrastate Distribution or Exportation; Claim for Exemption

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule.

SUMMARY: This document simplifies the procedures manufacturers of unlicensed biological products must follow to claim the exemption provided in the Food Security Act of 1985 for products prepared solely for intrastate commerce or exportation. The Act provides an exemption for continued preparation of products by currently unlicensed manufacturers during the 4-year phase-in period specified in the amendment to the Act providing that the exemption is claimed by January 1, 1987. This document makes available a simplified procedure for claiming the exemption.

DATES: Effective date of this interim rule is effective October 22, 1986. Written comments must be received on or before November 21, 1986.

ADDRESS: Written comments regarding this interim rule should be submitted to Steven R. Poore, Acting Director, Regulatory Coordination Staff, APHIS, USDA, Room 728, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Written comments received may be inspected at Room 728 of the Federal Building, 8 a.m. to 4 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Dr. Peter L. Joseph, Senior Staff Veterinarian, Veterinary Biologics Staff, VS, APHIS, USDA, Room 838, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, Telephone: 301-436-6332.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

In accordance with section 3507 of the Paperwork Reduction Act of 1980 (44 U.S.C. 3507), the information collection provisions that are included in the interim rule have been submitted for approval to the Office of Management and Budget (OMB). Written comments concerning any information collection provisions should be submitted to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for APHIS, Washington, DC 20503. A duplicate copy of such comments should be submitted to Steven R. Poore, Acting Director, Regulatory Coordination Staff, APHIS, USDA, Room 828, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

Executive Order 12291

This interim rule has been issued in conformance with Executive Order 12291 and Department Regulation 1512-1, and has been classified as a "Non-major Rule."

This action would not have a significant effect on the economy and would not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. The Department estimates that affected facilities taken as a group will devote approximately 250 hours in order to comply with this rule. This brief total expenditure of time should not have a significant effect on the economy or on the affected facilities. It would also not have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises, in domestic markets.

Certification Under the Regulatory Flexibility Act

The Administrator of the Animal and Plant Health Inspection Service has determined that this action would not have a significant economic impact on a substantial number of small entities. The Department estimates that only about 50 facilities will claim the exemption allowed by this rule. This does not constitute a "significant number" of small entities. In addition, the entire annual reporting burden for affected facilities will be approximately 250 hours. This should not cause a significant economic impact on the affected entities.

Background

The amendment to the Food Security Act of 1985 specifies that any virus, serum, toxin, or analogous products prepared, sold, bartered, exchanged, or shipped solely for intrastate distribution or for exportation during the 12-month period prior to enactment will not be considered to be in violation of the Act as a result of not being produced under license until January 1, 1990. Manufacturers desiring to continue preparing and shipping such products intrastate and exporting them until that time without being subject to the licensing provisions of the Act, must claim an exemption by January 1, 1987.

On March 20, 1986, a notice was published in the **Federal Register** (51 FR 9695) which stated that pending issuance of rules, the 4-year exemption may be claimed by filing an application for an establishment license and a product license for each product which qualifies for the exemption. This rule provides that the claim for exemption may be made on an application for a product license (VS Form 14-3) for each product to be exempted. Claimants would be required to complete the required items on the form providing information necessary to identify the product and to establish that it was being prepared during the 12-month period prior to enactment of the Act. Such information would normally consist of the identity of organism(s) used in preparing the product, viability of the organism(s), method of propagation, indications for use of the product, species for which the product is recommended, and warnings and precautions included on the product label. Items No. 8, 9, and 10 on the form relating to blueprints, research protocols, and personnel data will not be required to be completed. Claimants for exemptions should enter the words "Claim for Exemption" on the face of the form. A new § 114.2(d) is added to the regulations prescribing procedures and conditions for claiming the exemption. Provisions specified in the amendment to the Act for extending the period for claiming the exemption and the period

for achieving licensure are also included in this revision of the regulations.

Dr. John K. Atwell, Deputy Administrator of the Animal and Plant Health Inspection Service for Veterinary Services, has determined that the procedures set forth in this document are of sufficient importance to warrant publication of this interim rule without prior opportunity for public comment. Immediate action is warranted so that interested parties can comply with the January 1, 1987, deadline specified in the amendment for claiming the exemption.

Further, pursuant to the administrative provisions in 5 U.S.C. 533, good cause is found for making this interim rule effective less than 30 days after publication of this document in the **Federal Register.** Comments have been solicited for 30 days after publication of this document. A document discussing comments received and any amendments required will be published in the **Federal Register.**

List of Subjects in 9 CFR Part 114

Animal biologics.

PART 114—PRODUCTION REQUIREMENTS FOR BIOLOGICAL PRODUCTS

Accordingly, 9 CFR Part 114 is amended as follows:

1. The authority citation for Part 114 continues to read as follows:

Authority: 21 U.S.C. 151–159; 7 CFR 2.17, 2.51, and 371.2(d).

2. Section 114.2 is amended by adding paragraph (d) as follows:

§ 114.2 Products not prepared under license.

* * * * *

(d) Any person preparing biological products solely for intrastate shipment or for export during the 12-month period ending December 23, 1985, shall not be considered in violation of the Virus-Serum-Toxin Act because such products are not produced pursuant to a license until January 1, 1990, subject to the following provisions:

(1) The person preparing such product(s) must claim an exemption by January 1, 1987.

(2) A claim for exemption under this subsection shall be made on a product license application (VS Form 14–3) for each product to be exempted. The product license application shall be accompanied by sufficient information to identify the product and to establish that it was being produced during the 12-month period prior to December 23, 1985. Such information shall consist of the identity of the organism(s), the method of preparation, indications for use of the product, species for which the product is recommended, and warning and precautions. Items No. 8—Blueprints, Plot Plans, and Legends, No. 9—Research Protocols and Data, and No. 10—Personnel Biographies, need not be completed. Instead, the person claiming an exemption under this subsection should enter the words "Claim For Exemption" on the face of the form. VS Form 14–3 may be obtained from Dr. David A. Espeseth, Chief Staff Veterinarian, Veterinary Biologics Staff, VS, APHIS, USDA, Room 838, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, Telephone: 301–436–8245.

(3) Exemptions for products under this subsection shall terminate January 1, 1990; *Provided,* that, the Deputy Administrator may, on a showing of good cause and a good faith effort to comply with this paragraph with due diligence, grant an extension for a period up to 12 months.

(4) Products for which exemptions are granted under this section may only be shipped intrastate or exported.

Done at Washington, DC, this 17th day of October, 1986.

J.K. Atwell,

Deputy Administrator, Veterinary Services.

[FR Doc. 86–23846 Filed 10–21–86; 8:45 am]

BILLING CODE 3410–34–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 86–NM–60–AD; Amdt. 39–5449]

Airworthiness Directives; Boeing Model 767 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The amendment adds a new airworthiness directive (AD) which requires replacement of the trolley roller and side track roller assemblies, the replacement of the cable pulleys in the counterbalance system, and rework of the aft roller side tracks on certain Boeing Model 767 entry/service doors. This action is prompted by reports of component failures and excessive operating loads which could prevent the door from opening when required for emergency evacuation.

EFFECTIVE DATE: November 28, 1986.

ADDRESSES: The service bulletins specified in this AD may be obtained upon request to the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Pliny Brestel, Aerospace Engineer, Airframe Branch, ANM–120S; telephone (206) 431–1931. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive to require replacement of the trolley roller and side track roller assemblies, and the cable pulleys in the counterbalance system on certain Boeing Model 767 entry/service doors, was published in the **Federal Register** on May 8, 1986 (51 FR 17052). The NPRM was amended by adding the proposal to rework the aft roller side tracks on certain Boeing Model 767 entry/service doors and was published in the **Federal Register** on August 1, 1986 (51 FR 27557)

The comment period for the NPRM, which ended August 21, 1986, afforded interested persons an opportunity to participate in the making of this amendment. Due consideration has been given to the one comment received.

The Air Transport Association (ATA) of America, representing operators of Boeing Model 767 airplanes, proposed that the compliance period of 9 months be extended to 24 months because the proposed modification is so complex that operators need to accomplish it at their main maintenance base rather than at field stations. Also, safe handling of the counterbalance system requires that crews receive specific training in order to accomplish the proposed modification. Operators contend that, since the doors are operated and checked daily, those doors that need attention would be reworked under existing FAA approved maintenance programs and those doors that operate satisfactorily would be scheduled for rework in conjunction with a "C" check at their main maintenance base. Consequently, those doors to be reworked during the "C" check would require that the compliance period for the proposed rule be at least two years in duration. The FAA disagrees with the ATA in extending the compliance period for 24 months. Because of the severity of the unsafe condition involved, the FAA has determined that the modification must be performed as soon as

practicable; however, in consideration of maintenance scheduling by operators, the FAA has determined that an extension of the compliance period from 9 to 12 months would be appropriate and would not compromise the safety of flight. The final rule has been changed to reflect this.

After a careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the change noted above.

It is estimated that 63 airplanes of U.S. registry will be affected by this AD. Approximately 93 manhours, at an average labor charge of $40 per manhour, will be required to modify each airplane. Based on these figures, the total cost impact on U.S. operators is estimated to be $234,360. Parts will be furnished to operators in accordance with Boeing Service Bulletins 767–52–0032, 767–52–0037, and 767–52–0044.

For the reasons discussed above, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic impact on a substantial number of small entities because few, if any, Boeing Model 767 airplanes are operated by small entities. A final evaluation prepared for this action is contained in the regulatory docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the Federal Aviation Regulations as follows:

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By adding the following new airworthiness directive:

Boeing: Applies to the Model 767 series airplanes specified in the Boeing service bulletins listed below, certificated in any category. To ensure proper entry/service door operation during emergency evacuation, accomplish the following within 12 months after the effective date of this AD, unless previously accomplished:

A. For airplanes listed in Boeing Service Bulletin 767–52–0032, dated September 13, 1985, remove and replace the entry/service door trolley roller and side track roller assemblies in accordance with Boeing Service Bulletin 767–52–0032, dated September 13, 1985, or later FAA-approved revisions.

B. For airplanes listed in Boeing Service Bulletin 767–52–0037, dated March 21, 1986, replace the counterbalance cable pulleys in accordance with Boeing Service Bulletin 767–52–0037, dated March 21, 1986, or later FAA-approved revisions.

C. For airplanes listed in Boeing Service Bulletin 767–52–0044, dated June 27, 1986, modify the aft roller side tracks in accordance with Boeing Service Bulletin 767–52–0044, dated June 27, 1986, or later FAA-approved revisions.

D. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

E. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications required by this AD.

All persons affected by this directive who have not already received copies of the manufacturer's service bulletins may obtain copies upon request to the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle Washington 98124–2207. These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective November 28, 1986.

Issued in Seattle, Washington, on October 15, 1986.

Frederick M. Isaac,

Acting Director, Northwest Mountain Region.

[FR Doc. 86–23785 Filed 10–21–86; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 39

[Docket No. 86–CE–47–AD; Amendment 39–5447]

Airworthiness Directives; British Aerospace (BAe) Jetstream Model 3101

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to BAe jetstream Model 3101 airplanes modified in accordance with Arkansas Modification Center, Inc. (AMC) Supplemental Type Certificate (STC) No. SA5900SW baggage pod, which requires an inspection of the flap jack lock valve hydraulic pressure pipe, for a possible foul by the baggage pod. A report has been received that a hydraulic pressure pipe has been punctured by the chafing of a bolt securing the smoke detector to the baggage pod, resulting in the loss of NORMAL system hydraulic fluid. The inspection will detect and the baggage pod modification will preclude the chafing of the flap jack valve hydraulic pressure pipe before the hydraulic line is punctured and loss of hydraulic fluid, and thus preclude the loss of the flap system.

DATES:

Effective Date: October 29, 1986.

Compliance: Required within the next fifty landings after the effective date of this AD.

ADDRESSES: BAe Alert Service Bulletin (MSB) 27-A-JA860226, dated August 11, 1986, applicable to this AD may be obtained from British Aerospace Plc. Manager, Product Support Civil Division, Prestwick Airport, Ayrshire, KA9 2RW, Scotland, or British Aerospace, Inc., Librarian, Post Office Box 17414, Dulles International Airport, Washington, D.C. 20041, and Arkansas Modification Center (AMC) Service Bulletin (S/B) No. 25–0002(–2), dated July 22, 1986, Revised September 11, 1986, is available from Arkansas Modification Center, Adams Field, Post Office Box 3356, Little Rock, Arkansas 72203. A copy of this information is also contained in the Rules Docket, FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. Ted Ebina, Aircraft Certification Staff, AEU–100, Europe, Africa, and Middle East Office, FAA, c/o American Embassy, Brussels, Belgium; Telephone (322) 513.38.30; or Mr. Harvey A.

Chimerine, FAA, ACE-109, 601 East 12th Street, Kansas City, Missouri 64106; Telephone (816) 374-6932.

SUPPLEMENTARY INFORMATION: A failure report has been received on a BAe Jetstream Model 3101 fitted with an AMC STC No. SA5900SW baggage pod. The report indicated that the hydraulic pressure pipe to the lock valve on the flap hydraulic jack had been chafed by a bolt securing the smoke detector to the baggage pod. The pipe ws chafed and punctured resulting in the loss of hydraulic fluid from the NORMAL hydraulic system. The hydraulic system supplies power to operate the wing flap, brake, antiskid, landing gear retraction/extension and stick pusher systems. As a result, British Aerospace (BAe) has issued BAe Alert Service Bulletin (ASB) No. 27-A-JA860226, dated August 11, 1986, which requires: (1) An inspection of the flap jack lock valve pressure pipe for a possible chafing by a bolt securing the smoke detector to the baggage pod, and if chafing of the pipe is evident, the removal and replacement of the pipe with a new airworthy BAe Part No. 616302, and (2) modification of the AMC baggage pod in accordance with AMC S/B No. 25-0002(-2) dated July 22, 1986, Revised September 11, 1986, to ensure that a clearance of 0.50 inches or greater is achieved over the full flap operating range. The Civil Airworthiness Authority of the United Kingdom (CAA-UK) who has responsibility and authority to maintain the continuing airworthiness of these airplanes in United Kingdom has approved this British Aerospace Alert Service Bulletin (ASB) and the actions recommended therein by the manufacturer to ensure the continued airworthiness of the affected airplanes.

The FAA relies upon the certification of CAA-UK combined with FAA review of pertinent documentation in finding compliance of the design of these airplanes with the applicable United States airworthiness requirements and the airworthiness and conformity of products of this design certificated for operation in the United States.

The FAA has examined the available information related to the issuance of BAe ASB No. 27-A-JA860226, dated August 11, 1986, and AMC S/B No. 25-0002(-2) dated July 22, 1986, Revised September 11, 1986. Based on the foregoing, the FAA believes that the condition addressed by BAe ASB No. 27-A-JA860226, dated August 11, 1986, is an unsafe condition that may exist on other products of this type design certificated for operation in the United States. Based on the foregoing, the FAA has determined that the condition described herein is an unsafe condition that may exist or develop on other products of the same type design certificated for operation in the United States.

Therefore, an AD is being issued requiring (1) An inspection of the flap jack lock valve hydraulic pressure pipe for possible chafing by a bolt securing the smoke detector to the baggage pod, and if chafing of the pipe is evident, the removal and replacement with a new airworthy BAe Part No. 616302, and (2) the modification of the AMC baggage pod in accordance with AMC S/B No. 25-0002(2), dated July 22, 1986, Revised September 11, 1986, to ensure a clearance of 0.50 inches or greater is achieved over the full flap operating range on British Aerospace Jetstream Model 3101 airplanes modified in accordance with Arkansas Modification Center, Inc.

Supplemental Type Certificate (STC) No. SA5900SW baggage pod. Because an emergency condition exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and contrary to the public interest, and good cause exists for making this amendment effective in less than 30 days.

The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves and emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the Rules Docket under the caption **"ADDRESSES"** at the location identified.

List of Subjects in 14 CFR Part 39

Air transportation, Aviation safety, Aircraft, Safety.

Adoption of the amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the FAR as follows:

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By adding the following new AD:

British Aerospace (BAe): Applies to BAe Jetstream Model 3101 (all serial numbers) airplanes certificated in any category which have incorporated Arkansas Modification Center (AMC) Supplemental Type Certificate (STC) No. SA5900SW baggage pod serial numbers 002 through 044 inclusive.

Compliance: Required within the next fifty (50) landings after the effective date of this AD, unless already accomplished.

Note: If landings are not recorded, one hour time-in-service (TIS) equals two landings.

To prevent possible chafing of the flap jack lock valve pressure pipe and loss of hydraulic fluid, accomplish the following:

(a) Visually inspect flap jack lock valve hydraulic pressure pipe BAe Part Number (P/N) 616302 for evidence of chafing in accordance with Section 2, "ACCOMPLISHMENT INSTRUCTIONS," Paragraph B, "ACCOMPLISHMENTS," of BAe Alert Service Bulletin (ASB) No. 27-A-JA860226, dated August 11, 1986.

(1) If chafing has occurred, before further flight,

(i) Replace hydraulic pressure pipe P/N 616302 with a serviceable airworthy part, in accordance with BAe S/B No. 27-A-JA860226, and

(ii) Modify pod by incorporating an aperture in accordance with Section 2., "ACCOMPLISHMENT INSTRUCTIONS," paragraphs 1 through 8 of revised AMC Service Bulletin (S/B) No. 25-0002(-2), dated September 11, 1986.

(iii) Accomplish paragraph (b) of this AD.

(2) If no chafing has occurred, before further flight,

(i) modify pod by incorporating an aperture in accordance with Section 2., "ACCOMPLISHMENT INSTRUCTIONS," paragraphs 1 through 8 of AMC S/B No. 25-0002(-2), and

(ii) accomplish paragraph (b) of this AD.

((b) Measure the clearance distance between the flap jack lock valve hydraulic pressure pipe, P/N 616302 and the pod membrane smoke detector mounting screws, over the whole flap position operating range, in accordance with Section 2., "ACCOMPLISHMENT INSTRUCTIONS." If the clearance at all flap positions is:

(1) 0.50 inches or more, install the aperture cover plate provided in AMC P/N 31-5179-37 and accomplish paragraphs 14 through 17 of Section 2., "ACCOMPLISHMENT INSTRUCTIONS," of AMC S/B No. 25-0002 (-2), and return the airplane to service.

(2) Less than 0.50 inches,

(i) Modify the pod in accordance with paragraphs 18 through 29 of Section 2., "ACCOMPLISHMENT INSTRUCTIONS," of AMC S/B No. 25-0002(-2), and

(ii) Install baggage pod and repeat the actions specified in paragraph (b) of this AD.

(c) Aircraft may be flown in accordance with FAR 21.97 to a location where this Airworthiness Directive (AD) can be accomplished.

(d) An equivalent means of compliance with this Ad may be used if approved by the Manager, FAA, Southwest Region, Special Programs Branch, ASW-190, 4400 Blue Mound Road, Post Office Box 1689, Fort Worth, Texas 76101.

All persons affected by this AD may obtain copies of Arkansas Modification Center, Inc. (AMC), Service Bulletin (S/B) No. 25-0002(-2) dated July 22, 1986, revised September 11, 1986, referred to herein upon request to the Arkansas Modification Center, Inc., Post Office Box 3356, Adams Field, Little Rock, Arkansas 72203, and Alert Service Bulletin No. 27-A-JA860226, dated August 11, 1986, referred to herein upon request to the British Aerospace, Engineering Department, Post Office Box 17414, Dulles International Airport, Washington, D.C. 20041; or FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

This amendment becomes effective October 29, 1986.

Issued in Kansas City, Missouri, on October 14, 1986.

Edwin S. Harris,

Director, Central Region.

[FR Doc. 86-23786 Filed 10-21-86; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 71-CE-7-AD; Amendment 39-5445]

Airworthiness Directives; Cessna Turbocharged Model TU206 Series, TP206 Series, T207 Series and Models T210 Through T210N Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment revises Airworthiness Directive (AD), 71-09-07 to make it applicable to Cessna Turbocharged Models TU206 Series, TP 206 Series and T207 Series and Models T210 thru T210N airplanes. AD 71-09-07 was applicable to Cessna Turbocharged Models TU206, TP206, T207 and T210 Series airplanes and was issued to require pressure testing of the complete exhaust manifold in the cabin heat exchanger area to detect cracks or leakage. The manufacturer subsequently introduced a design change in the engine installation beginning with the Cessna Model T210R airplanes which makes the requirements of AD 71-09-07 inapplicable to those airplanes. Accordingly, this revision incorporates an ending serial number for the T210 series airplanes.

DATES:

Effective Date: November 26, 1986.

Compliance: Required as indicated in the body of the AD.

ADDRESSES: Cessna Service Letter SE71-11, dated April 16, 1971, applicable to this AD may be obtained from Cessna Aircraft Company, Piston Aircraft Marketing Division, Post Office Box 1521, Wichita, Kansas 67201. A copy of this information is also contained in the Rules Docket, FAA, Office of the Regional Counsel, Attention: Rules Docket No. 71-CE-7-AD, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Paul O. Pendleton, FAA, Aircraft Certification Office, ACE-140W, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 946-4427.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to revise AD 71-09-07 requiring inspection of the engine exhaust and cabin heating system on certain Cessna 200 Series airplanes was first published in the **Federal Register** on June 2, 1986, 51 FR 19755. The proposal resulted from an improved cabin heating system design being incorporated into production by the aircraft manufacturer.

Airworthiness Directive 71-09-07, Amendment No. 39-1202, (36 FR 8209) effective May 4, 1971, requires pressure testing of the complete exhaust manifold in the cabin heat exchanger area of all turbocharged Cessna Models TU206, TP206, T207 and T210 Series airplanes to detect cracks or leakage. Beginning with the 1985 Cessna Model T210R airplanes (S/N 21064898 and on) an engine installation design change was incorporated wherein the cabin heat source is supplied by bleed air from the compressor section of the turbocharger instead of the exhaust manifold heat exchanger. This design change makes compliance with AD 71-09-07 unnecessary for airplanes so configured. Therefore, the FAA is revising AD 71-09-07 to eliminate the requirement for repetitive inspection on T210 Series airplanes beginning with T210R Serial Number 21064898.

Interested persons including registered owners/operators of some several thousand affected airplanes were afforded an opportunity to comment on the proposed revision to AD 71-09-07. Two comments were received. One comment was in favor of adopting the amendment as proposed and the other was opposed. The FAA understands that the opposing commentor presumed that this amendment would expand the applicability to Model T210 Series airplanes currently in production. This is not the intent of the amendment. The amended AD will limit the applicability to exclude the Model T210R airplanes. Since the Model T210R is the current Model of the T210 Series in production, the FAA considers the opposing comment inappropriate, and the amendment is adopted as proposed.

The FAA has determined that this amendment is relieving and reduces the cost of fleet compliance with AD 71-09-07.

The cost of compliance with the revised AD is so small that the expense of compliance will not have a significant financial impact on any small entities operating these airplanes. Therefore, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A draft regulatory evaluation has been prepared and has been placed in the public docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **"ADDRESSES".**

List of Subjects in 14 CFR Part 39

Air transportation, Aviation safety, Aircraft, Safety.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the FAR as follows:

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By revising and reissuing AD 71-09-07 (Amendment 39-1202) in its entirety:

Cessna: Applies to turbocharged Models TU206 Series, TP206 Series, T207 Series (all serial numbers), and Models T210 thru T210N (Serial Numbers T210-0001 through T210-0454 and 21059200 through 21064897) airplanes certificated in any category.

Compliance: Required as indicated in the body of the AD.

To prevent exhaust gases from entering the cabin, accomplish the following:

(a) Within the next 25 hours time-in-service (TIS) after the effective date of this AD, unless already accomplished within the last 25 hours TIS, and thereafter at intervals not to exceed 50 hours TIS since the last inspection per this AD prior to its revision, inspect the exhaust manifold heat exchanger in accordance with the following:

(1) Test the complete exhaust manifold in the cabin heat exchanger area for cracks in accordance with the following procedures, or the more detailed procedures, outlined in the Cessna Service Manuals for the specified airplanes.

(i) Remove the heater shroud so that all surfaces of the exhaust manifold heat exchanger are exposed.

(ii) Attach the pressure side of an industrial vacuum cleaner to the tailpipe opening, using a rubber plug to effect a seal as required.

(iii) With vacuum cleaner operating, check the complete exhaust manifold in the heat exchanger area manually by feel or by using a soap solution and watching for bubbles. The exhaust manifold in the heat exchanger area must be free of air leaks.

(2) If cracks, breaks, or any leakage along the exhaust manifold cabin heat exchanger are found during the pressure test required by paragraph (a)(1) of this AD, prior to further flight replace the defective part with an airworthy part.

Note: Cessna Service Letter SE71–11, dated April 16, 1971, covers this same subject.

(b) An equivalent means of compliance with this AD may be used if approved by the Manager, Wichita Aircraft Certification Office, FAA, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209.

All persons affected by this directive may obtain copies of the documents referred to herein upon request to the Cessna Aircraft Company, Piston Aircraft Marketing Division, Post Office Box 1521, Wichita, Kansas 67201; or the FAA, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106

This amendment becomes effective on November 26, 1986.

Issued in Kansas City, Missouri, on October 9, 1986.

Edwin S. Harris,

Director, Central Region.

[FR Doc. 86–23787 Filed 10–21–86; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 86–NM–207–AD; Amdt. 39–5448]

Airworthiness Directives; Gates Learjet Models 23, 24, 25, 28, 29, 35, 36, and 55 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to certain Gates Learjet series airplanes, which requires a one-time inspection of the flap sector mounting brackets for cracks, and inspection of the flap system for interference and proper rigging to preclude the potential for total bracket failure. Failure of the brackets can cause asymmetrical flap conditions and loss of airplane control. This amendment is prompted by reports that failures of the upper bracket have occurred subsequent to compliance with the existing AD. The manufacturer has designed an improved steel bracket to replace the existing aluminum brackets installed on these airplanes. This amendment, therefore, requires replacement of both the left and right upper aluminum brackets with redesigned steel parts to prevent the unsafe condition.

EFFECTIVE DATE: November 10, 1986.

ADDRESSES: The applicable service information may be obtained from Gates Learjet Corporation, P.O. Box 7707, Wichita, Kansas 67277. This information may be examined at FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or FAA, Central Region, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Wichita, Kansas.

FOR FURTHER INFORMATION CONTACT: Larry S. Abbott, Airframe Branch, Wichita Aircraft Certification Office, FAA, Central Region, 1801 Airport Road, Room 100, Wichita, Kansas 67209; telephone (316) 946–4409.

SUPPLEMENTARY INFORMATION: Airworthiness Directive (AD) 84–20–06, Amendment 39–4908 (49 FR 35616; September 11, 1984), was issued to require a one-time inspection for cracks of the flap sector mounting brackets and a check for proper rigging of the flap system on certain Gates Learjet Models 23, 24, 25, 28, 29, 35, 36, and 55 series airplanes. If cracks were found, these brackets were to be replaced with new parts. These inspections were required to preclude total failure of the bracket and, in turn, impairment of flap extension. Besides impairing flap extension, bracket failures can cause the flap extension switch, located at the sector, to transmit a false gear warning horn signal or an incorrect signal to the stall warning system. This could cause the stall warning and stick pusher to operate at the wrong speed and cause the angle-of-attack system to give false indications. These false indications, in combination with an asymmetric flap condition, could impair control of the airplane.

Subsequent to issuance of the AD, routine inspections have revealed approximately twenty reports of cracked upper mount brackets by operators who had complied with the requirements of AD 84–20–06. In addition, in-flight failures have occurred on four airplanes, resulting in asymmetric flaps (however, safe landings were effected without further incident). Although rigging variations are considered a factor, the basic reason the brackets are failing has been determined to be the intolerance to the repetitive loads generated by the flap system.

Gates Learjet Corporation has recently developed an improved steel upper bracket as a replacement for the aluminum part; installation of this improved bracket is expected to prevent the type of failures previously described. This part is available in Gates Learjet Airplane Modification Kits (AMK) 86–4 and 55–86–2.

Since this situation is likely to exist or develop on other airplanes of the same type design, this AD requires inspection for cracks and replacement of the flap sector upper mounting brackets with the improved steel bracket in accordance with the Gates Learjet AMK's previously mentioned.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

The FAA has determined that this regulation is an emergency regulation that is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required).

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) as follows:

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By superseding AD 84–20–06, Amendment 39–4908 (49 FR 35616; September 11, 1984), with the following airworthiness directive:

Gates Learjet: Applies to the following Gates Learjet series airplanes, models/serial number listed below, certificated in any category.

Model/Serial Number

23 003 thru 089 (if equipped with dual flap actuators)
23 090 thru 099
24 100 thru 357
25 003 thru 373
28 001 thru 005
29 001 thru 004
35 002 thru 545, 589 thru 598
36 001 thru 053, and 055
55 001 thru 121

Compliance required as indicated, unless previously accomplished.

To prevent impairment of flap operation, an asymmetric flap condition, false gear warning horn signals, or incorrect biasing of the stall warning system, due to flap sector upper mount bracket failures, accomplish the following:

A. Within the next 50 hours time-in-service after the effective date of this AD, inspect the flap sector upper mounting brackets for cracks, in accordance with instructions in Gates Learjet Corporation Airplane Modification Kit (AMK) 86–4 or 55–86–2, as applicable.

1. If cracks are found in either the left-hand or right-hand flap sector upper mounting brackets (Figure 1 of AMK), prior to further flight, replace both brackets and install stiffeners in accordance with the applicable AMK.

2. If cracks are not found in the flap sector upper mounting brackets, replace the brackets and install stiffeners in accordance with the applicable AMK within 100 hours time-in-service after the effective date of this AD.

B. If both flap sector upper mounting brackets have been previously replaced with steel brackets, compliance with this AD is not required.

C. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

D. Alternate means of compliance with this AD, which provides an acceptable level of safety, may be used when approved by the Manager, Wichita Aircraft Certification Office, FAA, Central Region.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to Gates Learjet Corporation, P.O. Box 7707, Wichita, Kansas 67277. These documents may be examined at FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or FAA, Central Region, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Wichita, Kansas.

This supersedes AD 84–20–06, Amendment 39–4908.

This amendment becomes effective November 10, 1986.

Issued in Seattle, Washington, on October 15, 1986.

Frederick M. Isaac,

Acting Director, Northwest Mountain Region.

[FR Doc. 86–23788 Filed 10–21–86; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 86–CE–46–AD; Amendment 39–5446]

Airworthiness Directives; Piper Model PA–42–1000 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), AD 86–18–10 applicable to Piper Model PA–42–1000 airplanes and codifies the corresponding emergency AD letter dated September 4, 1986, into the **Federal Register**. This AD requires inspection of fuel vent lines and wing fuel tanks for obstructed lines and damaged tanks. Corrective action is required if the inspection shows that a defect is present. An occurrence of this problem has been reported.

DATES:

Effective date: October 27, 1986, to all persons except those to whom it has already been made effective by priority letter from the FAA dated September 4, 1986.

Compliance: As prescribed in the body of the AD.

ADDRESSES: Piper Service Bulletin 846 Telex applicable to this AD may be obtained from Piper Aircraft Corporation, 2926 Piper Drive, Vero Beach, Florida 32960; Telephone (305) 567–4361. A copy of the information is also contained in the Rules Docket, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. Gil Carter, ACE–140A, Aerospace Engineer, Propulsion Branch, Atlanta Aircraft Certification Office, 1075 Inner Loop Road, College Park, Georgia 30337; Telephone (404) 763–7435.

SUPPLEMENTARY INFORMATION: A report regarding an in-service airplane describes a wing tip tank vent line being twisted near a coupling. The twisted line prevented proper fuel tank venting which resulted in reduced fuel flow to the engine and subsequent power loss. The lack of proper venting also resulted in wing and fuel cell damage.

The FAA determined that this is an unsafe condition that may exist in other airplanes of the same type design, thereby necessitating the AD. It was also determined that an emergency condition existed, that immediate corresponding action was required and that notice and public procedure thereon was impractical and contrary to the public interest. Accordingly, the FAA notified all known registered owners of the airplanes affected by this AD by priority mail letter dated September 4, 1986. The AD became effective immediately as to these individuals upon receipt of that letter and is identified as AD 86–18–10. Since the unsafe condition described therein may still exist on other Piper Model PA–42–1000 airplanes, the AD is being published in the **Federal Register** as an amendment to Part 39 of the Federal Aviation Regulations (14 CFR Part 39) to make it effective to all persons who did not receive the letter notification. Because a situation still exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and contrary to the public interest, and good cause exists for making this amendment effective in less than 30 days.

The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and

placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed may be obtained by contacting the Rules Docket at the location under the caption "ADDRESSES."

List of Subjects in 14 CFR Part 39

Air transportation, Aviation safety, Aircraft, Safety.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the FAR as follows:

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By adding the following new AD:

Piper Aircraft Corporation: Applies to Model PA-42-1000 (S/N's 42-5527002 through 42-5527033) airplanes certificated in any category.

Compliance: Required within the next 10 hours time in service after receipt of this AD, unless already accomplished.

To prevent loss of power and wing damage, accomplish the following:

(a) Fabricate a checking device from ⅜ inch O.D. *polyethylene plastic* tubing, 48 inches in length with a wall thickness of approximately 0.060 inches.

Note 1.—*Polyethylene* tubing is used in plumbing and air conditioning installations and may be found in hardware stores. Other types of plastic tubing may not work due to friction buildup.

(b) Chamfer the end of the tube which will be inserted into the vent lines. Mark the tube at a point 40 inches from the chamfered end.

(c) Remove the vent well covers located on top of the left and the right wing tip tanks.

(d) Insert the checking device into each wing tip tank vent line up to the 40 inch mark.

(e) If the checking device can be inserted to the 40 inch mark, the vent line is clear. Reinstall the vent well covers. No further action is required.

(f) If the checking device cannot be inserted to the 40 inch mark, prior to further flight:

(1) Drain the fuel from the airplane on the affected side(s).

(2) Remove the forward outboard access cover from the bottom of the left and/or right wing(s) as required.

(3) Visually inspect the affected tip tank vent lines for blockage or deformation.

(4) Remove the fuel cap on the affected tip tank(s), depress the antisiphon flapper valve and using a light and mirror, visually inspect the upper portion of the wing tip tanks fuel vent line for blockage or deformation.

(5) Replace any lines found blocked or deformed.

(6) Reinstall the wing access plates with the sealant specified in the airplane maintenance instructions.

(7) Fuel the airplane and check for leaks.

Note 2.—Piper Telex Service Bulletin No. 846, dated August 26, 1986, applies to the subject of this AD.

(g) Airplanes may be flown in accordance with FAR 21.197 to a location where this AD may be accomplished.

(h) Within five (5) days of accomplishing this AD, report, in writing, all defects found during accomplishment of this AD to the Manager, Atlanta Aircraft Certification Office, 1075 Inner Loop Road, College Park, GA 30337. (Reporting approved by the Offices of Management and Budget under OMB No. 2120-0056.)

(i) An alternate method of compliance which provides an equivalent level of safety, may be approved by the Manager, Atlanta Aircraft Certification Office.

All persons affected by this directive may obtain copies of the documents referred to herein upon request to Piper Aircraft Corporation, 2926 Piper Drive, Vero Beach, Florida 32960; or FAA, Office of Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

This amendment becomes effective on October 27, 1986 to all persons except those to whom it has already been made effective by priority letter from the FAA dated September 4, 1986, and is identified as AD 86-18-10.

Issued in Kansas City, Missouri, on October 9, 1986.

Edwin S. Harris,

Director, Central Region.

[FR Doc. 86-23789 Filed 10-21-86; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 86-CE-27-AD; Amendment 39-5444]

Airworthiness Directives; SOCATA Models TB10 and TB20 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) applicable to SOCATA Models TB10 and TB20 airplanes which requires modification of the battery tray to blank off the tooling holes, visually inspecting the surrounding structure and equipment to determine if any damage has occurred as a result of leaking battery electrolytes, and repairing or replacing damaged components. This action is prompted to ensure that no corrosive fluid or gases that may escape from the battery will damage surrounding structures or essential equipment. By preventing leakage of battery electrolyte into the aircraft, corrosion and structural failure will be prevented.

DATES:

Effective Date: October 24, 1986.

Compliance: Within 50 hours time-in-service (TIS) or 60 days, whichever occurs first after the effective date of this AD, unless already accomplished.

ADDRESSES: SOCATA Service Letter (S/L) No. 18 dated February 1985, applicable to this AD may be obtained from SOCATA Groupe Aerospatiale, B.P. 38, 65001 Tarbes, France. A copy of this information is also contained in the Rules Docket, FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. John P. Dow, Sr., FAA, ACE-109, 601 East 12th Street, Kansas City, Missouri 64106; Telephone (816) 374-6932, or T. Ebina, Brussels Aircraft Certification Office, FAA, AEU-100, Europe, Africa and Middle East Office, c/o American Embassy, B-1000 Brussels, Belgium; Telephone 513.38.30.

SUPPLEMENTARY INFORMATION:

The FAA has been advised to an unsafe condition involving battery electrolyte leakage in SOCATA Model TB series airplanes. Specifically, tooling holes in the battery tray on certain TB series airplanes have been left open during manufacturing. This situation will allow battery electrolyte to escape the battery tray area and cause fuselage structural damage. Such corrosion, if allowed to continue, will seriously effect the structural integrity of the airplane regardless of the usage of the airplane or its time in service.

SOCATA has issued S/L No. 18 dated February 1985, which describes inspection of the TB9 and TB10 aircraft in the immediate vicinity of the battery for component damage, and procedures to blank off the tooling holes in the battery tray in order to prevent damage from the discharge of electrolyte. The Director General of Civil Aviation (DGAC), who has responsibility and authority to maintain the continuing airworthiness of these airplanes in France has issued a French AD 85-130-(A) and has classified SOCATA S/L No. 18 dated February 1985, and the actions recommended therein by the manufacturer, as mandatory on SOCATA Models TB9, TB10, and TB20 airplanes, to assure the continued airworthiness of the affected airplanes. On airplanes operated under French registration, this action has the same effect as an AD on airplanes certificated for operation in the United States. As of the effective date of the action herein,

the SOCATA Models TB10 and TB20 airplanes are the only effected airplanes certificated in the United States. The FAA relies upon the certification of the DGAC combined with FAA review of pertinent documentation in finding compliance of the design of these airplanes with the applicable United States airworthiness requirements and the airworthiness and conformity of products of this design certificated for operation in the United States.

The FAA has examined the available information related to the issuance of SOCATA S/L No. 18 dated February 1985, and the mandatory classification of this Service Letter by the DGAC.

Based upon the foregoing, the FAA has determined that the condition described herein is an unsafe condition that may exist or develop on other products of the same type design certificated for operation in the United States.

Therefore, an AD is being issued requiring modification of the battery tray on SOCATA Models TB10 and TB20 airplanes requiring inspection of the surrounding structure and equipment to determine if damage has occurred, and repair of that damage or replacement of the component. The damage to the airplane or components may continue to worsen, resulting in increased flight hazard and increased repair to the owner. Because an emergency condition exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and contrary to the public interest, and good cause exists for making this amendment effective in less than 30 days.

The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the Rules Docket under the caption **"ADDRESSES"** at the location identified.

List of Subjects in 14 CFR Part 39

Air transportation, Aviation safety, Aircraft, Safety.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the FAR as follows:

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised, Pub. L. 97–449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By adding the following new AD:

SOCATA: Applies to Models TB10 and TB20 (Serial Numbers 1 through 342, 344 through 381, 383 through 413, 415 through 422, 424, 430, 431, 433, and 439 through 441) airplanes certificated in any category.

Compliance: Required within 50 hours time-in-service or 60 days, whichever occurs first, from the effective date of this AD, unless already accomplished.

To prevent possible structural damage and loss of airframe integrity, accomplish the following:

(a) Visually inspect the fuselage area under the battery tray for damage caused by battery electrolyte leaks.

(1) If damage exists, before further flight, repair the damage or replace the damaged component(s) in accordance with Advisory Circular No. 43.13–1A and applicable manufacturer's maintenance information and modify the battery tray as specified in paragraph (a)(2) below.

(2) If damage does not exist, modify the battery tray in accordance with the instructions in the "DESCRIPTION" Section 1 of SOCATA Service Letter No. 18 dated February 1985.

(b) Airplanes may be flown in accordance with FAR 21.197 to a location where this AD may be accomplished.

(c) An equivalent means of compliance with this AD may be used if approved by the Manager, Aircraft Certification Staff, AEU–100, Europe, Africa, and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium.

All persons affected by this proposed AD may obtain copies of the documents referred to herein upon request to SOCATA Groupe Aerospatiale, B.P. 38, 65001 Tarbes, France, or FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

This amendment becomes effective on October 24, 1986.

Issued in Kansas City, Missouri, on October 9, 1986.

Edwin S. Harris,

Director, Central Region.

[FR Doc. 86–23790 Filed 10–21–86; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 86–ANM–7]

Alteration of Hailey, ID, Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action alters the Hailey, Idaho, transition area to provide additional controlled airspace from 1,200 feet above the surface for aircraft executing a new instrument approach procedure to Friedman Memorial Airport. This action is necessary to ensure segregation of aircraft using approach procedures in instrument weather conditions and other aircraft operating in visual weather conditions.

EFFECTIVE DATE: 0901, UTC, December 18, 1986.

FOR FURTHER INFORMATION CONTACT: Katherine G. Paul, ANM–535, Federal Aviation Administration, Docket No. 86–ANM–7, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168, Telephone: (206) 431–2535.

SUPPLEMENTARY INFORMATION:

History

On August 7, 1986, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the Hailey, Idaho, transition area to provide additional controlled airspace 1,200 feet above the surface for aircraft executing a new instrument approach procedure to Friedman Memorial Airport (51 FR 28388).

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. Only one objection was received which was later withdrawn. Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6B dated January 2, 1986.

The Rule

This amendment to Part 71 of the

Federal Aviation Regulations (14 CFR Part 71) alters the Hailey, Idaho, transition area to provide additional controlled airspace from 1,200 feet above the surface for aircraft executing a new instrument approach procedure to Friedman Memorial Airport.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

Adoption of the Amendment

PART 71—[AMENDED]

Accordingly, pursuant to the authority delegated to me, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended as follows:

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a); 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); 14 CFR 11.69.

§ 71.181 [Amended]

2. § 71.181 is amended as follows:

Hailey, Idaho (Revised)

That airspace extending upward from 1,200 feet above the surface from lat. 44°00'00" N., long. 115°00'00" W.; thence eastbound to lat. 44°00'00" N., long. 114°07'00" W.; thence southbound to lat. 43°17'30" N., long. 114°00'00" W.; thence westbound to lat. 43°17'30" N., long. 115°00'00" W.; thence northbound to the point of beginning; and excluding that airspace overlying V–231 on the east side and V–500 on the south side of the area.

Issued in Seattle, Washington, on October 10, 1986.

William E. O'Neill,

Acting Manager, Air Traffic Division, Northwest Mountain Region.

[FR Doc. 86–23792 Filed 10–21–86; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 95

[Docket No. 25100; Amdt. No. 333]

IFR Altitudes; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts miscellaneous amendments to the required IFR (instrument flight rule) altitudes and changeover points for certain Federal airways, jet routes, or direct routes for which a minimum or maximum en route authorized IFR altitude is prescribed. These regulatory actions are needed because of changes occurring in the National Airspace System. These changes are designed to provide for the safe and efficient use of the navigable airspace under instrument conditions in the affected areas.

EFFECTIVE DATE: October 23, 1986.

FOR FURTHER INFORMATION CONTACT: Donald K. Funai, Flight Procedures Standards Branch (AFS–230), Air Transportation Division, Office of Flight Standards, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 426–8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 95 of the Federal Aviation Regulations (14 CFR Part 95) prescribes new, amended, suspended, or revoked IFR altitudes governing the operation of all aircraft in IFR flight over a specified route or any portion of that route, as well as the changeover points (COPs) for Federal airways, jet routes, or direct routes as prescribed in Part 95. The specified IFR altitudes, when used in conjunction with the prescribed changeover points for those routes, ensure navigation aid coverage that is adequate for safe flight operations and free of frequency interference.

The reasons and circumstances which create the need for this amendment involve matters of flight safety, operational efficiency in the National Airspace System, and are related to published aeronautical charts that are essential to the user and provide for the safe and efficient use of the navigable airspace. In addition, those various reasons or circumstances require making this amendment effective before the next scheduled charting and publication date of the flight information to assure its timely availability to the user. The effective date of this amendment reflects those considerations. In view of the close and immediate relationship between these regulatory changes and safety in air commerce, I find that notice and public procedure before adopting this amendment is unnecessary, impracticable, and contrary to the public interest and that good cause exists for making the amendment effective in less than 30 days.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 95

Aircraft, Airspace.

Issued in Washington, DC, on October 10, 1986

John S. Kern,

Director of Flight Standards.

Adoption of the Amendment

PART 95—[AMENDED]

Accordingly and pursuant to the authority delegated to me by the Administrator, Part 95 of the Federal Aviation Regulations (14 CFR Part 95) is amended as follows effective at 0901 GMT:

1. The authority citation for Part 95 continues to read as follows:

Authority: 49 U.S.C. 1348, 1354 and 1510; 49 U.S.C. 106(g) (Revised, Pub. L. 97–449, January 12, 1983); and 14 CFR 11.49(b)(2).

2. Part 95 is amended to read as follows:

BILLING CODE 4910-13-M

REVISIONS TO MINIMUM ENROUTE IFR ALTITUDES & CHANGEOVER POINTS

AMENDMENT 333 EFFECTIVE DATE, OCTOBER 23, 1986

FROM	TO	MEA

§95.1001 DIRECT ROUTES-U.S.

IS ADDED TO READ

HURON, SD VORTAC	REDWOOD FALLS, MN VORTAC	
	COP 40 HON	31000
		MAA-37000
RAPID CITY, SD VORTAC	HURON, SD VORTAC	
	COP 165 RAP	31000
		MAA-37000

IS AMENDED TO DELETE

CINCINNATI, KY VORTAC	SAINT LOUIS, MO VORTAC	18000
		MAA-45000
CINCINNATI, KY VORTAC	YORK, KY VORTAC	18000
		MAA-41000
INT PKB VORTAC 241 & ZZV VORTAC 160 *2500 - MOCA	INT ZZV VORTAC 160 & AIR VORTAC 240	*3000
INT ZZV VORTAC 160 & AIR VORTAC 240 *2500 - MOCA	BELLAIRE, OH VORTAC	*3000
LEXINGTON, KY VORTAC	BLUEFIELD, WV VORTAC	18000
		MAA-41000
LEXINGTON, KY VORTAC	WHITESBURG, KY VORTAC	18000
		MAA-41000
VERSI, WV FIX	LIBBR, WV FIX	3000

§95.1001 DIRECT ROUTES-U.S.

ATLANTIC ROUTES

IS AMENDED TO DELETE

AR 7

DIXON, NC NDB/DME	VENUS, NC FIX	25000
		MAA-45000

AR 8 IS ADDED TO READ

ELIZABETH CITY, NC VOR/DME	BACUS, NC FIX	20000
		MAA-41000

IS AMENDED TO DELETE

WEEKSVILLE, NC NDB	BACUS, NC FIX	2000
		MAA-45000

AR 14 IS ADDED TO READ

METTA, SC FIX	DIXON, NC NDB/DME	18000
		MAA-45000
DIXON, NC NDB/DME	EDDYS, NC FIX	18000
		MAA-45000

FROM	TO	MEA

§95.6004 VOR FEDERAL AIRWAY 4

IS AMENDED TO READ IN PART

PENDLETON, OR VORTAC	PIANO, OR FIX	
	SE BND	7000
	NW BND	6000
PAYET, ID FIX	EMETT, ID FIX	
	SE BND	*5500
	NW BND	*9000
*5200 - MOCA		
EMETT, ID FIX	BOISE, ID VORTAC	5500
CANEK, ID FIX	ALKAL, ID FIX	*9500
*8500 - MOCA		
ALKAL, ID FIX	GOODE, ID FIX	
	E BND	*8000
	W BND	*9500
*6200 MOCA		
GOODE, ID FIX	JEROT, ID FIX	*8000
*6500 - MOCA		

§95.6005 VOR FEDERAL AIRWAY 5

IS AMENDED TO READ IN PART

AWSON, GA FIX	NELLO, GA FIX	5400
NELLO, GA FIX	*HOCHE, GA FIX	5400
*4000 - MCA HOCHE FIX, SE BND		

§95.6006 VOR FEDERAL AIRWAY 6

IS AMENDED TO READ IN PART

TOUHY, NE FIX	OMAHA, NE VORTAC	3700

§95.6007 VOR FEDERAL AIRWAY 7

IS AMENDED TO READ IN PART

POCKET CITY, IN VORTAC	PRINC, IN FIX	2300
PRINC, IN FIX	LISLE, IN FIX	4500
LISLE, IN FIX	TERRE HAUTE, IN VORTAC	3000

§95.6008 VOR FEDERAL AIRWAY 8

IS AMENDED TO READ IN PART

TOUHY, NE FIX	OMAHA, NE VORTAC	3700

§95.6011 VOR FEDERAL AIRWAY 11

IS AMENDED TO READ IN PART

EDGEE, OH FIX	HIRED, MI FIX	3500

FROM	TO	MEA

§95.6013 VOR FEDERAL AIRWAY 13

IS AMENDED TO READ IN PART

SOLON, TX FIX	CORPUS CHRISTI, TX VORTAC	1600
WORRY, TX FIX	*AUSTS, TX FIX	1700
*3000 - MRA		
CLEEP, TX FIX	LEGGE, TX FIX	*5000
*1700 - MOCA		
SHREVEPORT, LA VORTAC	*IDDAS, LA FIX	**2400
*2500 MRA		
**1700 MOCA		
RICH MOUNTAIN, OK VORTAC	*HADES, AR FIX	**4600
*4200 - MRA		
**3700 MOCA		
NASHE, MO FIX	*DIZZI, MO FIX	2700
*3000 - MRA		
DIZZI, MO FIX	BUTLER, MO VORTAC	*2600
*1900 - MOCA		
BUTLER, MO VORTAC	NAPOLEON, MO VORTAC	*2900
*2200 - MOCA		
NAPOLEON, MO VORTAC	PLASH, MO FIX	*2900
*2200 MOCA		

§95.6016 VOR FEDERAL AIRWAY 16

IS AMENDED TO READ IN PART

CALVERTON, NY VORTAC	NORWICH, CT VORTAC	2500

§95.6020 VOR FEDERAL AIRWAY 20

IS AMENDED TO READ IN PART

ELECTRIC CITY, SC VORTAC	PELZE, SC FIX	2800

§95.6028 VOR FEDERAL AIRWAY 28

IS AMENDED TO READ IN PART

SPOOK, CA FIX	*MUSTANG, NV VORTAC	13000
*10500 MCA MUSTANG VORTAC, SW BND		

§95.6051 VOR FEDERAL AIRWAY 51

IS AMENDED TO DELETE

CORCE, GA FIX	*AWSON, GA FIX	
VIA W ALTER	VIA W ALTER	4600
*5000 - MRA		
AWSON, GA FIX	NELLO, GA FIX	
VIA W ALTER	VIA W ALTER	5600
NELLO, GA FIX	MADOL, GA FIX	
VIA W ALTER	VIA W ALTER	*7000
*5600 - MOCA		
MADOL, GA FIX	DUBBS, TN FIX	
VIA W ALTER	VIA W ALTER	6000
DUBBS, TN FIX	HINCH MOUNTAIN, TN VORTAC	
VIA W ALTER	VIA W ALTER	5000

FROM	TO	MEA

§95.6054 VOR FEDERAL AIRWAY 54

IS AMENDED TO DELETE

TEXARKANA, AR VORTAC	*JAMMI, AR FIX	
VIA N ALTER	VIA N ALTER	**3500
*5000 - MRA		
**1800 - MOCA		
JAMMI, AR FIX	PIKES, AR FIX	
VIA N ALTER	VIA N ALTER	*3500
*1800 - MOCA		
PIKES, AR FIX	MARKI, AR FIX	
VIA N ALTER	VIA N ALTER	*3500
*2000 MOCA		
MARKI, AR FIX	HOT SPRINGS, AR VOR	
VIA N ALTER	VIA N ALTER	*3500
*2500 - MOCA		
HOT SPRINGS, AR VOR	LONNS, AR FIX	
VIA N ALTER	VIA N ALTER	*3000
*2500 - MOCA		
LONNS, AR FIX	LITTLE ROCK, AR VORTAC	
VIA N ALTER	VIA N ALTER	2000
MUSCLE SHOALS, AL VORTAC	ROCKET, AL VORTAC	
VIA N ALTER	VIA N ALTER	2600
ROCKET, AL VORTAC	CHATTANOOGA, TN VORTAC	
VIA N ALTER	VIA N ALTER	4000

§95.6058 VOR FEDERAL AIRWAY 58

IS AMENDED TO READ IN PART

HARTFORD, CT VORTAC	SALEM, CT FIX	2600
SALEM, CT FIX	*TRAIT, CT FIX	2500
*3000 MRA		

§95.6077 VOR FEDERAL AIRWAY 77

IS AMENDED TO READ IN PART

WILL ROGERS, OK VORTAC	WENDY, OK FIX	3300
WENDY, OK FIX	PIONEER, OK VORTAC	2900

§95.6097 VOR FEDERAL AIRWAY 97

IS AMENDED TO READ IN PART

SALOP, FL FIX	CLAMP, FL FIX	*7000
*1200 - MOCA		
CLAMP, FL FIX	LICKS, FL FIX	*6000
*1200 - MOCA		

§95.6113 VOR FEDERAL AIRWAY 113

IS AMENDED TO READ IN PART

SPOOK, CA FIX	*MUSTANG, NV VORTAC	13000
*10500 MCA MUSTANG VORTAC, SW BND		

§95.6115 VOR FEDERAL AIRWAY 115

IS AMENDED TO DELETE

VULCAN, AL VORTAC	TRUST, AL FIX	
VIA E ALTER	VIA E ALTER	3500

FROM	TO	MEA
§95.6115 VOR FEDERAL AIRWAY 115—Continued		
TRUST, AL FIX VIA E ALTER	GADSDEN, AL VOR/DME VIA E ALTER	3600
GADSDEN, AL VOR/DME VIA E ALTER *5000 - MCA MENLA FIX, SW BND **3700 - MOCA	*MENLA, GA FIX VIA E ALTER	**5000
MENLA, GA FIX VIA E ALTER	CHATTANOOGA, TN VORTAC VIA E ALTER	4000
§95.6159 VOR FEDERAL AIRWAY 159 **IS AMENDED TO READ IN PART**		
NAPOLEON, MO VORTAC *2200 - MOCA	PLASH, MO FIX	*2900
PLASH, MO FIX	SAINT JOSEPH, MO VORTAC	3000
§95.6161 VOR FEDERAL AIRWAY 161 **IS AMENDED TO READ IN PART**		
BUTLER, MO VORTAC *2200 - MOCA	NAPOLEON, MO VORTAC	*2900
§95.6209 VOR FEDERAL AIRWAY 209 **IS AMENDED BY ADDING**		
VULCAN, AL VORTAC	TRUST, AL FIX	3500
TRUST, AL FIX	GADSDEN, AL VOR/DME	3600
GADSDEN, AL VOR/DME *5000 - MCA MENLA FIX, SW BND **3700 - MOCA	*MENLA, GA FIX	**5000
MENLA, GA FIX	CHATTANOOGA, TN VORTAC	4000
§95.6218 VOR FEDERAL AIRWAY 218 **IS AMENDED TO READ IN PART**		
GRAND RAPIDS, MN VOR/DME *3000 - MOCA	GOPHER, MN VORTAC	*5500
§95.6253 VOR FEDERAL AIRWAY 253 **IS AMENDED TO READ IN PART**		
LITKE, ID FIX	ALKAL, ID FIX SE BND NW BND	 *8000 *9500
*5700 - MOCA ALKAL, ID FIX *8500 - MOCA	CANEK, ID FIX	*9500

FROM	TO	MEA
§95.6266 VOR FEDERAL AIRWAY 266 **IS AMENDED TO READ IN PART**		
ELIZABETH CITY, NC VOR/DME	WRIGHT BROTHERS, NC VOR/DME	4000
§95.6286 VOR FEDERAL AIRWAY 286 **IS AMENDED TO READ IN PART**		
BROOKE, VA VORTAC	GWYNN, VA FIX	2000
§95.6308 VOR FEDERAL AIRWAY 308 **IS AMENDED BY ADDING**		
*BLAND, MD FIX *5000 - MRA **1300 - MOCA	HEDGE, MD FIX	**2000
§95.6310 VOR FEDERAL AIRWAY 310 **IS AMENDED TO READ IN PART**		
TAR RIVER, NC VORTAC	ELIZABETH CITY, NC VOR/DME	4000
§95.6311 VOR FEDERAL AIRWAY 311 **IS AMENDED BY ADDING**		
HINCH MOUNTAIN, TN VORTAC	DUBBS, TN FIX	5000
DUBBS, TN FIX *5600 - MOCA	MADOL, GA FIX	*7000
MADOL, GA FIX *5600 - MOCA	NELLO, GA FIX	*7000
NELLO, GA FIX *5000 - MRA	*AWSON, GA FIX	5400
AWSON, GA FIX	CORCE, GA FIX	4600
§95.6330 VOR FEDERAL AIRWAY 330 **IS AMENDED TO READ IN PART**		
CANEK, ID FIX *8500 - MOCA	ALKAL, ID FIX	*9500
ALKAL, ID FIX	TORIN, ID FIX E BND W BND	 *8000 *9500
*6700 - MOCA TORIN, ID FIX	KINZE, ID FIX	8000
§95.6374 VOR FEDERAL AIRWAY 374		

FROM	TO	MEA
§95.6374 VOR FEDERAL AIRWAY 374—Continued **IS AMENDED TO READ IN PART**		
MADISON, CT VORTAC	WACKY, RI FIX	2500
§95.6376 VOR FEDERAL AIRWAY 376 **IS AMENDED TO READ IN PART**		
RICHMOND, VA VORTAC	GRUBY, VA FIX	2000
GRUBY, VA FIX *1700 - MOCA	IRONS, MD FIX	*2500
§95.6417 VOR FEDERAL AIRWAY 417 **IS AMENDED TO READ IN PART**		
NELLO, GA FIX *5000 MRA	*AWSON, GA FIX	5400
§95.6444 VOR FEDERAL AIRWAY 444 **IS AMENDED TO READ IN PART**		
BOISE, ID VORTAC	EMETT, ID FIX	5500
EMETT, ID FIX	PAYET, ID FIX SE BND NW BND	 *5500 *9000
*5200 - MOCA		

FROM	TO	MEA
§95.6472 VOR FEDERAL AIRWAY 472 **IS AMENDED TO READ IN PART**		
ELIZABETH CITY, NC VOR/DME	BERTI, NC FIX	4000
§95.6512 VOR FEDERAL AIRWAY 512 **IS AMENDED TO DELETE**		
LEXINGTON, KY VORTAC	NEWCOMBE, KY VORTAC	3000
NEWCOMBE, KY VORTAC	CHARLESTON, WV VORTAC	3000
CHARLESTON, WV VORTAC	SWIFT, WV FIX	3300
SWIFT, WV FIX *4300 - MOCA	BITES, WV FIX	*5000
BITES, WV FIX *4100 - MOCA	ELKINS, WV VORTAC	*5000
§95.6577 VOR FEDERAL AIRWAY 577 **IS ADDED TO READ**		
CEDAR LAKE, NJ VORTAC *1600 - MOCA	BRIGS, NJ FIX	*1700

FROM	TO	MEA	MAA
§95.7004 JET ROUTE NO. 4			
	IS AMENDED TO READ IN PART		
TWENTYNINE PALMS, CA VORTAC	PARKER, CA VORTAC	18000	45000
PARKER, CA VORTAC	BUCKEYE, AZ VORTAC	18000	45000
BUCKEYE, AZ VORTAC	SAN SIMON, AZ VORTAC	18000	45000
§95.7006 JET ROUTE NO. 6			
	IS AMENDED TO READ IN PART		
ZONAL, CA FIX	PALMDALE, CA VORTAC	26000	45000
CHARLESTON, WV VORTAC	SHAWNEE, VA VORTAC	18000	19000
§95.7021 JET ROUTE NO. 21			
	IS AMENDED TO READ IN PART		
WILL ROGERS, OK VORTAC	WICHITA, KS VORTAC	18000	45000
§95.7041 JET ROUTE NO. 41			
	IS AMENDED TO READ IN PART		
SAINT PETERSBURG, FL VORTAC	TALLAHASSEE, FL VORTAC	#25000	45000
#MEA IS ESTABLISHED WITH A GAP IN NAVIGATION SIGNAL COVERAGE.			
§95.7043 JET ROUTE NO. 43			
	IS AMENDED TO READ IN PART		
SAINT PETERSBURG, FL VORTAC	TALLAHASSEE, FL VORTAC	#25000	45000
#MEA IS ESTABLISHED WITH A GAP IN NAVIGATION SIGNAL COVERAGE.			
§95.7051 JET ROUTE NO. 51			
	IS AMENDED TO READ IN PART		
COLUMBIA, SC VORTAC	TUBAS, NC FIX	18000	45000
TUBAS, NC FIX	FLAT ROCK, VA VORTAC	20000	45000
IS AMENDED TO DELETE			
RALEIGH-DURHAM, NC VORTAC	NORFOLK, VA VORTAC	18000	45000
§95.7052 JET ROUTE NO. 52			
	IS AMENDED TO READ IN PART		
COLUMBIA, SC VORTAC	TUBAS, NC FIX	18000	45000
TUBAS, NC FIX	RALEIGH-DURHAM, NC VORTAC	18000	45000

[FR Doc. 86–23791 Filed 10–21–86; 8:45 am]

BILLING CODE 4910–13–C

§95.7055 JET ROUTE NO. 55			
	IS AMENDED TO READ IN PART		
FLORENCE, SC VORTAC	TUBAS, NC FIX	18000	45000
TUBAS, NC FIX	RALEIGH-DURHAM, NC VORTAC	18000	45000
§95.7061 JET ROUTE NO. 61			
	IS AMENDED BY ADDING		
EDDYS, NC FIX	NOTTINGHAM, MD VORTAC	18000	45000
NOTTINGHAM, MD VORTAC	WESTMINSTER, MD VORTAC	18000	45000
§95.7104 JET ROUTE NO. 104			
	IS AMENDED TO READ IN PART		
TWENTYNINE PALMS, CA VORTAC	PARKER, CA VORTAC	18000	45000
PARKER, CA VORTAC	GILA BEND, AZ VORTAC	18000	45000
§95.7134 JET ROUTE NO. 134			
	IS AMENDED TO READ IN PART		
HENDERSON, WV VORTAC	SHAWNEE, VA VORTAC	18000	19000
§95.7169 JET ROUTE NO. 169			
	IS AMENDED BY ADDING		
BLYTHE, CA VORTAC	STANFIELD, AZ VORTAC	18000	45000
§95.7181 JET ROUTE NO. 181			
	IS DELETED		
SALT RIVER, AZ VORTAC	NEWMAN, TX VORTAC	25000	45000
§95.7191 JET ROUTE NO. 191			
	IS AMENDED TO READ IN PART		
WILMINGTON, NC VORTAC	HOPEWELL, VA VORTAC	18000	45000
§95.7212 JET ROUTE NO. 212			
	IS ADDED TO READ		
STANFIELD, AZ VORTAC	BUCKEYE, AZ VORTAC	18000	45000
BUCKEYE, AZ VORTAC	PALM SPRINGS, CA VORTAC	31000	45000

DEPARTMENT OF DEFENSE

Defense Logistics Agency

32 CFR Part 1285

[DLAR 5400.14]

Defense Logistics Agency Freedom of Information Act Program

AGENCY: Defense Logistics Agency, DOD.

ACTION: Final rule.

SUMMARY: This revision supplements a final rule (51 FR 35634) published on October 7, 1986, 32 CFR Part 1285—"Defense Logistics Agency Freedom of Information Act Program" to reflect a description of DLA's central and field organizations at Appendix E and address of Freedom of Information Offices at Appendix F.

EFFECTIVE DATE: October 22, 1986.

ADDRESS: Headquarters, Defense Logistics Agency, ATTN: DLA–XAM, Cameron Station, Alexandria, Virginia 22304–6130.

FOR FURTHER INFORMATION CONTACT: Mr. Dave Henshall, (202) 274–6234.

SUPPLEMENTARY INFORMATION: The DLA Charter has been published in 32 CFR Part 359.

List of Subjects in 32 CFR Part 1285

Freedom of information.

Accordingly, Title 32 of the Code of Federal Regulations is amended as follows:

PART 1285—DEFENSE LOGISTICS AGENCY FREEDOM OF INFORMATION ACT PROGRAM

1. The authority citation for part 1285 continues to read as follows:

Authority: Title 5, U.S.C. 552, as amended by Pub. L. 93–502.

2. Part 1285 is amended to add appendixes E and F to read as follows:

Appendix E—Defense Logistics Agency

Cameron Station, Alexandria, VA 22304–6100

Phone: 202–274–6000 or 6001

Principal Staff Elements

Office of the Director
Office of Policy and Plans
Office of Telecommunications and Information Systems
DLA Logistics Systems Modernization
Office of Public Affairs
Office of Congressional Affairs
Office of General Counsel
Office of Contracting Integrity
Office of the Comptroller
Office of Command Security
Office of Administration
Office of Civilian Personnel
Office of Military Personnel
Office of Installation Services and Environmental Protection
Office of Small and Disadvantaged Business Utilization
Directorate of Supply Operations
Directorate of Contracting
Directorate of Technical and Logistics Services
Directorate of Contract Management
Directorate of Quality Assurance

Established pursuant to authority vested in the Secretary of Defense, the Defense Logistics Agency (DLA) is an agency of the Department of Defense (DOD) under the direction, authority, and control of the Assistant Secretary of Defense (Acquisition and Logistics) and subject to DOD policies, directives and instructions.

DLA consists of a Director, a Deputy Director, a Deputy Director for Acquisition Management, a Headquarters establishment, and 25 primary level field activities and their subordinate activities. Some of the subordinate activities of the Defense Fuel Supply Center, the Defense Reutilization and Marketing Service, and the Defense Personnel Support Center operate in overseas areas. There also are a number of Headquarters management support offices that are controlled by Headquarters staff elements.

The mission of DLA is to provide effective and economical support to the military services, other DOD components, Federal civil agencies, foreign governments, and others as authorized, for assigned materiel commodities and items of supply, including weapons systems, logistics services directly associated with the supply management function, contract administration services, and other support services as directed by the Secretary of Defense. Furthermore, DLA administers the operation of DOD programs as assigned.

Under the direction and operational control of its Director, DLA is responsible for the performance of the following major functions:

- Materiel management encompassing item management classification, requirements and supply control, procurement, quality and reliability assurance, industrial mobilization planning, storage, inventory and distribution, transportation, maintenance and manufacture, provisioning, technical logistics data and information, value engineering and standardization;
- Contract administration services provided in support of the military departments and other DOD components, the National Aeronautics and Space Administration, other designated Federal and State agencies, and foreign governments;

Providing scientific and technical information support services to the Defense Research, Development, Testing and Evaluation community through operation of the centralized management information and technical report data banks at the Defense Technical Information Center and administrative management of nine contractor-operated selected fields of science and technology;

- Administering assigned DOD programs including the DOD Coordinated Procurement Program, Federal Catalog System, DOD Excess, Surplus, and Foreign Excess Personal Property Disposal Program, DOD Retail Interservice Support Program (DRIS), Defense Materiel Utilization Program, DOD Industrial Plant Equipment Program, Foreign Military Sales, operating Military Parts Control Advisory Groups (MPCAG) for standardization of parts at the system equipment design stage, DOD-wide program for redistribution/reutilization of excess Government-owned and rented automation equipment, Defense Automatic Addressign System, Defense Precious Metals Recovery Program, Executive Agent for Materiel Redistribution via the Defense European and Pacific Redistribution Activity (DEPRA), assigned logistics operations contingent to the Federal Emergency Management Program, assigned aspects of the DOD Food Service Management Program, DOD-wide Interchangeable/Substitutable Program, Military Standard Logistics Systems, Logistics Data Element Standardization and Management Program, Defense Procurement Management Review, providing manpower data support to DOD and other Government agencies assigned, the DOD hazardous Materiel Data System, and the Program Manager for the Defense Energy Information System;
- Monitoring DOD supply relationships with the General Services Administration;
- Serving as the operating agency for the DOD Automated Placement Programs, and providing administrative support to the Centralized Referral Activity whose functions are under Assistant Secretary of Defense (Acquisition and Logistics) supervision. These programs are the Centralized Referral System that provides for the placement of displaced DOD employees and returning overseas career employees, the Overseas Employment Referral Program, and the Automated Career Management System (ACMS) for

placement of employees registered in the DOD-wide career program for Acquisition/Contracting and Quality Assurance personnel; and

• Systems analysis and design, procedural development, and maintenance for supply and service systems as assigned by the Secretary of Defense.

Primary Level Field Activities

Supply Centers. The six supply centers are responsible for materiel management of assigned commodities and items of supply relating to food, clothing, textiles, medical, chemical, petroleum, industrial, construction, electronics, and general items of supply. The Defense Fuel Supply Center is also responsible for contracting for commercial petroleum services and coal, as well as all crude oil and petroleum products for the Strategic Petroleum Reserve. Two of the supply centers also perform depot operations functions for assigned commodities.

Service Centers. The six service centers furnish varied support services as follows:

—The Defense Logistics Services Center is responsible for maintenance of the Federal Cataloging System records including the development and dissemination of cataloging and item intelligence data to the military services and other authorized customers;

—The Defense Industrial Plant Equipment Center (DIPEC) is responsible for the DOD General Reserve of industrial plant equipment. DIPEC maintains visibility records of all DOD equipment in use by government facilities and contractors and provides specified supply support of industrial plant equipment to the military departments;

—The Defense Technical Information Center is responsible for the development, maintenance, and operation of the management information system in the field of scientific and technical information; acquisition, storage, announcement, retrieval, and provision of secondary distribution of scientific and technical reports; and primary distribution of foreign technical reports;

—The DLA Administrative Support Center provides administrative support and common service functions to DLA activities within the Washington, DC, metropolitan area;

—The Defense Reutilization and Marketing Service is responsible for the integrated management of worldwide personal property disposal operations, including reutilization of serviceable assets, in support of the military services and other authorized customers; and

—The DLA Systems Automation Center is responsible for the operational execution of the DLA ADP Program and the DLA Telecommunications Program.

Depots. These activities are responsible for depot operations functions for assigned commodities.

Contract Administration Services Regions (DCASR's). The nine DCASR's provide contract administration services including the performance of contract administration, production, quality assurance, and data and financial management activities, and small business/labor surplus programs, within the United States and such external areas as specifically authorized.

PRIMARY LEVEL FIELD ACTIVITIES—DEFENSE LOGISTICS AGENCY

Activity	Address
Defense Supply Centers:	
Defense Construction Supply Center.	Columbus, OH 43216-5000.
Defense Electronics Supply Center.	1507 Willmington Pike, Dayton, OH 45444-5000.
Defense Fuel Supply Center	Cameron Station, Alexandria, VA 22304-6160.
Defense General Supply Center	Richmond, VA 23297-5000.
Defense Industrial Supply Center	700 Robbins Ave. Philadelphia, PA 19111-5096.
Defense Personnel Support Center	2800 S. 20th St., Philadelphia, PA 19101-8419.
Defense Service Centers:	
Defense Technical Information Center.	Cameron Station, Alexandria, VA 22304-6145.
Defense Logistics Services Administrative Support Center.	Cameron Station, Alexandria, VA 22304-6130.
Defense Industrial Plant Equipment Center.	Defense Depot Memphis, Memphis, TN 38114-5297
Defense Logistics Services Center.	74 N. Washington St., Federal Center, Battle Creek, MI 49016-3412.
Defense Reutilization and Marketing Service.	74 N. Washington St., Federal Center, Battle Creek, MI 49017-3092.
DLA Systems Automation Center.	P.O. Box P1605, Columbus, OH 43216.
Defense Depots:	
Defense Depot Mechanicsburg.	5450 Carlisle Pike, P.O. Box 2030, Mechanicsburg, PA 17055-0789.
Defense Depot Memphis	Memphis, TN 38114-5297
Defense Depot Ogden	Ogden, UT 84407-5000.
Defense Depot Tracy	Tracy, CA 95376-5000.
Defense Contract Administration Services Regions (DCASR's):	
DCASR, Atlanta	805 Walker Street, Marietta, GA 30060-2789.
DCASR, Boston	495 Summer Street, Boston, MA 02210-2184.
DCASR, Chicago	O'Hare International Airport, P.O. Box Box 66475, Chicago, IL 60666-0475.
DCASR, Cleveland	Federal Office Building, 1240 East 9th Street, Cleveland, OH 441299-2063.
DCASR, Dallas	1200 Main Street, Dallas, TX 75202-4399.
DCASR, Los Angeles	222 N. Sepulveda Blvd., El Segundo, Ca 90245-4320.
DCASR, New York	201 Varick St., New York, NY 10014-4811
DCASR, Philadelphia	2800 S. 20th, Philadelphia, PA 19145-5001
DCASR, St. Louis	1136 Washington Avenue, St. Louis, MO 63101-1194.

Sources of Information

Consumer Activities. Any questions concerning this program or placement on DOD bidders list should be addressed to DOD Surplus Sales, P.O. Box 1370, Battle Creek, MI 49016. Phone, 616-962-6511, extension 6736 or 6737.

Environment. For information concerning DLA's program, contact Defense Logistics Agency, Attn: DLA-WS, Room 4D489, Cameron Station, Alexandria, VA 22304-6100. Phone, 202-274-6357.

Reading Room. DLA Library, Room 4D131, Cameron Station, Alexandria, VA 22304-6100. Phone, 202-274-6055.

Procurement Information and Small Business Activities. For information, contact Staff Director, Small and Disadvantaged Business Utilization (DLA-U), Room 4B110, Cameron Station, Alexandria, VA 22304-6100. Phone, 202-274-6471.

Publications. How to do Business with the Defense Logistics Agency and An Identification of Commodities Purchased by the Defense Logistics Agency are available free of charge from the Staff Director, Small and Disadvantaged Business Utilization (DLA-U), above address.

And Introduction to the Defense Logistics Agency, as well as other DLA publications, is available from the Superintendent of Documents, Government Printing Office, Washington, DC 20402.

Employment. For the Washington, DC, metropolitan area, inquiries and applications should be addressed to Defense Logistics Agency, DLA Administrative Support Center, Attn: DASC-ZE, Room 3A696, Cameron Station, Alexandria, VA 22304-6100. Phone 202-274-6041. For other areas, contact the local DLA field activity.

DLA has a college recruitment program. Schools interested in participating should direct inquiries to Defense Logistics Agency, Attn: DLA-KS, Room 3D118, Cameron Station, Alexandria, VA 22304-6100. Phone 202-274-6040.

Films. For information on films available for public showing contact Headquarters, Defense Logistics Agency, Attn: DASC-T, Room 3C547, Cameron Station, Alexandria, VA 22304-6100. Phone 202-274-6185.

Index. DLA Handbook 5025.1, Defense Logistics Agency, Index of Publications (Published Quarterly) Available from the Defense Logistics Agency, ATTN: DLA-XPD, Cameron Station, Alexandria, Virginia 22304-6130. Phone 202-274-6011.

Appendix F—Addresses of Freedom of Information Officers

DCSC—Defense Construction Supply Center, ATTN: FOIA Officer, P.O. Box 3990, Columbus, Ohio 43216–5000
DESC—Defense Electronics Supply Center, ATTN: FOIA Officer, 1507 Wilmington Pike, Dayton, Ohio 45444–5000
DFSC—Defense Fuel Supply Center, ATTN: FOIA Officer, Cameron Station, Alexandria, VA 22304–6160
DGSC—Defense General Supply Center, ATTN: FOIA Officer, Richmond, VA 23297–5000
DISC—Defense Industrial Supply Center, ATTN: FOIA Officer, 700 Robbins Avenue, Philadelphia, PA 19111–5096
DPSC—Defense Personnel Support Center, ATTN: FOIA Officer, 2800 South 20th Street, Philadelphia, PA 19101–8419
DDMP—Defense Depot Mechanicsburg, ATTN: FOIA Officer, 5450 Carlisle Pike, P.O. Box 2030, Mechanicsburg, PA 17055–0789
DDMT—Defense Depot Memphis, ATTN: FOIA Officer, 2163 Airways Blvd., Memphis, TN 28114–5297
DDOU—Defense Depot Ogden, ATTN: FOIA Officer, Ogden, Utah 84407–5000
DDTC—Defense Depot Tracy, ATTN: FOIA Officer, Tracy, California 95376
DTIC—Defense Technical Information Center, ATTN: FOIA Officer, Cameron Station, Alexandria, VA 22304–6145
DASC—DLA ATTN: FOIA Officer (DASC-RA), Administrative Support Center, Cameron Station, Alexandria, VA 22304–6130
DIPEC—Defense Industrial Plant Equipment Center, ATTN: FOIA Officer, 2163 Airways Blvd., Memphis, TN 38114–5297
DLSC (* DRMS)—Defense Logistics Center, ATTN: FOIA Officer, Federal Center, 74 N Washington, Battle Creek, MI 94017–3084
DSAC—DLA Systems Automation Center, ATTN: FOIA Officer, P.O. Box 1605, 3990 East Broad Street, Columbus, Ohio 43216–5002
DCASR ATL—Defense Contract Administration Services Region, Atlanta, ATTN: FOIA Officer, 805 Walker Street, Marietta, Georgia 30060–2789
DCASR BOS—Defense Contract Administration Services Region, Boston, ATTN: FOIA Officer, 495 Summer Street, Boston, MA 02110–2184
DCASR CHI—Defense Contract Administration Services Region, Chicago, ATTN: FOIA Officer, O'Hare International Airport, P.O. Box 66475, Chicago, Illinois 60666–0475
DCASR CLE—Defense Contract Administration Services Region, Cleveland, ATTN: FOIA Officer, 1240 East Ninth Street, Cleveland, Ohio 44199
DCASR DAL—Defense Contract Administration Services Region, Dallas, ATTN: FOIA Officer, 1200 Main Street, 6th Floor, Dallas,TX 75202–4399
DCASR LA—Defense Contract Administration Services Region, Los Angeles, ATTN: FOIA Officer, 11099 South La Cienega Blvd. Los Angeles, California 90045–6197
DCASR NY—Defense Contract Administration Services Region, New York, ATTN: FOIA Officer, 201Varick Street, New York, New York 10014–4811
DCASR PHI—Defense Contract Administration Services Region, Philadelphia, ATTN: FOIA Officer, P.O. Box 7478, Philadelphia, PA 19101–7478
DCASR STL—Defense Contract Administration Services Region, St. Louis, ATTN: FOIA Officer, 1136 Washington Avenue, St. Louis, Missouri 63101–1194
HQ DLA—Defense Logistics Agency, ATTN: FOIA Officer, Cameron Station, Alexandria, VA 22304–6130

* The Defense Logistics Center (DLSC) services the Defense Reutilization & Marketing Service (DRMS).

Note.—The envelope used for Freedom of Information Act requests should plainly display the words *FREEDOM OF INFORMATION ACT REQUEST* on the lower left hand corner.

For the Director:

Preston B. Speed,

Chief, Administrative Management Branch.

[FR Doc. 86–23938 Filed 10–21–86; 8:45 am]

BILLING CODE 3620–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

42 CFR Parts 413 and 417

[BERC–369–FC]

Medicare Program; Redesignation of Reasonable Cost Regulations

Correction

In FR Doc. 86–21810 beginning on page 34790, in the issue of Tuesday, September 30, 1986, make the following corrections:

1. On page 34794, first column, fifth line, "Limits" is misspelled. Also, in the tenth line from the bottom of the column insert "maintenance" before "dialysis".

2. On page 34795, second column, in § 413.5(c)(4), in the third line, "or" should read "of".

3. On page 34796, third column, in § 413.13(c), in the fifteenth line, insert "to" after "is".

4. On page 34803, third column, in § 413.40(c)(1)(ii), the second line should read "beginning on or after October 1, 1982 and before October 1, 1983".

5. On page 34809, third column, in § 413.56(b)(6), in the seventh line, insert, "provision of its malpractice insurance" after "coinsurance".

6. On page 34830, in § 413.170(g)(2), first column in the fifth line, "or" should read "of". Also, in the ninth line insert "basis" after "this".

7. On page 34832, second column, tenth line from the bottom, "§ 417.536(d)" should read "417.536(b)".

BILLING CODE 1505–01–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2, 15, 22, 25, and 90

[Gen. Docket Nos. 84–1231, 84–1233, and 84–1234]

Cellular Radio, Private Land Mobile Radio, and a Mobile Satellite Service

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission has adopted a Report and Order addressing allocations from the 900 MHz reserve band spectrum for cellular radio, private land mobile radio including public safety, a mobile satellite service, and a general purpose mobile radio service. The Commission took this action in response to growing demand for cellular and private land mobile radio, and indicated demand for new mobile satellite and general purpose mobile radio services.

EFFECTIVE DATE: November 21, 1986.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT:

Cellular: Rodney Small, (202) 653–8116
Private Land Mobile: Stuart Overby, (202) 634–2443
Land Mobile Satellite: Melvin Murray, (202) 653–8114
General Purpose Mobile Radio Service: Lex Felker, (202) 653–5940.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Report and Order* in Gen. Docket Nos. 84–1231, 84–1233, and 84–1234, adopted July 24, 1986, and released September 26, 1986. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, 2100 M Street NW., Washington, DC 20037, telephone (202) 857–3800.

Summary of Report and Order

1. On November 21, 1984, the Commission adopted *Notices of Proposed Rule Makings* in Gen. Docket Nos. 84–1231, 84–1233, and 84–1234 proposing to allocate the remaining 32 megahertz of 800–900 MHz band reserve spectrum for various uses. (See 50 FR 3809 (January 28, 1985), 50 FR 1582 (January 11, 1985), and 50 FR 8149 (February 28, 1985) respectively.) In these proceedings the Commission

proposed to allocate 12 megahertz of the reserve for expansion of the cellular radio service, 12 megahertz for the private land mobile radio services including public safety, and 8 megahertz for a new mobile satellite service (MSS). Additional allocations in the 1–2 GHz area (L-band) were proposed for MSS. Also, as an alternative allocation approach to the private land mobile and cellular proposals, the Commission set forth a plan whereby the 24 megahertz addressed for those services would be combined for general purpose mobile communications without specifying service categories.

2. After considering the comments and weighing the relative merits and spectrum requirements of the various services for which allocations had been proposed, the Commission decided to depart somewhat from the original proposals. The *Report and Order* takes the following actions: (a) Allocates 10 megahertz of additional spectrum for cellular systems. The 824–825/869–870 MHz and 845–846.5/890–891.5 MHz bands are allocated to the non-wireline block and the 846.5–849/891.5–894 MHz bands are allocated to the wireline block. This spectrum is divided into 30 kHz channel pairs to provide an additional 83 channels for each block, giving each block a total allocation of 416 channels in the 824–849/869–894 MHz bands. (b) Allocates 10 megahertz of spectrum in the 896–901/935–940 MHz bands for private land mobile use other than public safety, and sets forth technical and operational rules for use of this spectrum. The 10 megahertz is divided into 12.5 kHz channels and apportioned among specialized mobile radio (SMR), business radio, and industrial/land transportation radio pools. Initially, in the SMR pool only, applications for facilities in the top fifty urban areas will be accepted. A subsequent public notice will specify further details concerning the filing of applications for use of this 10 megahertz allocation. (c) Allocates 6 megahertz of spectrum in the 821–824/866–869 MHz bands for private land mobile use to address specifically the communications requirements of public safety entities. This spectrum will be utilized in the development of a national plan concerning public safety communications needs. The national plan will be addressed in a later proceeding. (d) Allocates 27 megahertz of spectrum in the L-band for MSS. The 1549.5–1558.5/1651–1660 MHz bands are allocated on a co-primary basis to aeronautical mobile satellite (AMSS) and the MSS, with AMSS having priority access. The 1545–1549.5/1646.5–1651 MHz bands are allocated to MSS on a secondary basis with respect to AMSS. (e) Allocates 2 megahertz of spectrum in the 901–902/940–941 MHz bands for a general purpose mobile radio service accessible by land mobile, maritime mobile, and aeronautical mobile entities. (f) Temporarily holds the 849–851/894–896 MHz bands in reserve pending further negotiations concerning a possible joint U.S./Canadian mobile satellite allocation to be used as an adjunct to the L-band spectrum, or alternative allocations for other purposes.

3. Subsequent Commission actions will address operational and technical rules for use of the public safety, MSS, and general purpose mobile radio allocations. Use of the private land mobile SMR pool channels outside the top 50 urban areas will also be addressed in a subsequent proceeding.

4. Pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. 604, a final regulatory flexibility analysis has been prepared. It is available for public viewing as part of the full text of this decision, which may be obtained from the Commission or its copy contractor.

5. The decisions contained herein have been analyzed with respect to the Paperwork Reduction Act of 1980 and found to contain no new or modified form, information collection and/or recordkeeping, labeling, disclosure, or record retention requirements, and will not increase or decrease burden hours imposed on the public.

6. Accordingly, it is ordered, that pursuant to the authority of 47 U.S.C. 4(i), 301 and 303(r), that Parts 2, 15, 22, 25, and 90 of Chapter I of Title 47 of the Code of Federal Regulations are amended as shown below. These amendments become effective November 21, 1986.

List of Subjects

47 CFR Part 2

Frequency allocations.

47 CFR Part 15

Communications equipment, Radio.

47 CFR Part 22

Cellular radio service.

47 CFR Part 25

Satellite radio communications.

47 CFR Part 90

Private land mobile radio services, Public safety radio services, Radio.

Rule Changes

Parts 2, 15, 22 and 90 of the Code of Federal Regulations are amended as follows:

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

1. The authority citation for Part 2 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

2. Section 2.1 is amended by adding the following definition in alphabetical order:

§ 2.1 Terms and definitions.

* * * * *

General Purpose Mobile Service. A mobile service that includes all mobile communications uses including those within the Aeronautical Mobile, Land Mobile, or the Maritime Mobile Services.

* * * * *

3. Section 2.106, Table of Frequency Allocations for the U.S. entries are amended by replacing the text in columns 4, 5 and 6 for the following entries 821–825, 825–845, 845–851, 866–870, 870–890, 890–896, 896–902, 935–941, 1545–1559, 1646.5–1660 and 1660–1660.5 MHz with the text and entries set forth below, respectively, and by adding the text of footnote US308 to the list of footnotes at the end of the table as follows:

§ 2.106 Table of Frequency Allocations

United States Table		FCC use designators
Government Allocation (MHz)	Non-Government Allocation (MHz)	Rule part(s)
* * *	* * *	* *
* * *	821–824, Land Mobile, NG30, NG43, NG63.	Private Land Mobile (90).
	824–849, Land Mobile, NG30, NG43, NG63.	Domestic Public, Land Mobile (22).
	849–851, Land Mobile, NG30, NG63.	Reserve.
*	* * *	* *
	866–869, Land Mobile, NG30, NG63.	Private Land Mobile (90).
	869–894, Land Mobile, NG30, NG63, US116, US268.	Domestic Public, Land Mobile (22).
	894–896, Land Mobile, US116, US268.	Reserve.
	896–901, Land Mobile, US116, US268.	Private Land Mobile (90).
	901–902, Mobile, US116, US268.	General Purpose, Mobile ( ).
*	* * *	* *
	935–940 Land Mobile, US116, US215, US268.	Private Land Mobile (90).
	940–941, Mobile, US116, US268.	General Purpose Mobile ( )

United States Table		FCC use designators
Government Allocation (MHz)	Non-Government Allocation (MHz)	Rule part(s)
* * * * *		
1545–1549.5, Aeronautical, Mobile-Satellite (R) (space-to-Earth), Mobile-Satellite (space-to-Earth), 722, 729, US308.	1545–1549.5, Aeronautical Mobile Satellite (R) (space-to-Earth), Mobile-Satellite (space-to-Earth), 722, 729, US308.	Aviation (87).
1549.5–1558.5, Aeronautical, Mobile-Satellite (R) (space-to-Earth), Mobile-Satellite (space-to-Earth) 722, 729, US308.	1549.5–1558.5, Aeronautical, Mobile-Satellite (R) (space-to-Earth), Mobile-Satellite (space-to-Earth) 722, 729, US308.	Aviation (87).
1558.5–1559, Aeronautical, Mobile-Satellite (R) (space-to-Earth) 722, 729, US308.	1558.5–1559, Aeronautical, Mobile-Satellite (R) (space-to-Earth) 722, 729, US308.	Aviation (87).
* * * * *		
1646.5–1651.0, Aeronautical, Mobile-Satillite (R) (Earth-to-space), Mobile-Satellite (Earth-to-space), 722, 735, US39, US308.	1646.5–1651.0, Aeronautical, Mobile-Satellite (R) (Earth-to-space), Mobile-Satellite (Earth-to-space), 722, 735, US39, US308.	Aviation (87).
1651–1660, Aeronautical, Mobile-Satellite (R) (Earth-to-space), Mobile-Satellite (Earth-to-space), 722, 735, US39, US308.	1651–1660, Aeronautical, Mobile-Satellite (R) (Earth-to-space), Mobile-Satellite(Earth-to-space), 722, 735, US39, US308.	Aviation (87).
1660–1660.5, Aeronautical, Mobile-Satellite (R) (Earth-to-space), Radio Astronomy, 722, 735, 736, US308.	1660–1660.5, Aeronautical, Mobile-Satellite (R) (Earth-to-space), Radio Astronomy, 722, 735, 736, US308.	Aviation (87).
* * * * *		
U.S. Footnotes		
* * * * *		

US308 In the frequency bands 1549.5–1558.5 MHz and 1651–1660 MHz, the Aeronautical-Mobile-Satellite (R) requirements that cannot be accommodated in the 1545–1549.5 MHz, 1558.5–1559 MHz, 1646.5–1651 MHz and 1660–1660.5 MHz bands shall have priority access in the Mobile-Satellite service. All other users of the Mobile-Satellite service are subject to preemption based upon this priority access.

* * * * *

PART 15—RADIO FREQUENCY DEVICES

4. The authority citation for Part 15 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

5. Section 15.63 is amended by revising the introductory language in paragraph (a) to read as follows (the table in that paragraph remains unchanged):

§ 15.63 Radiation interference limits.

(a) The radiation from all radio receivers that operate (tune) in the range 30 to 901 MHz, or 935—940, including frequency modulation broadcast receivers and television broadcast receivers, shall not exceed the following field strength limits at a distance of 100 feet or more from the receiver:

* * * * *

6. Section 15.69 is amended by revising paragraph (a) to read as follows:

§ 15.69 Equipment authorization for a receiver.

(a) Each radio receiver that tunes (operates) on a frequency between 30 and 901 MHz, or 935 to 940 MHz and each CB receiver, as defined in § 15.59, shall have the necessary equipment authorization as listed in paragraph (b) below to show compliance with the technical specifications of this Part. The equipment authorization is a prerequisite of marketing, pursuant to Subpart I of Part 2 of this Chapter.

* * * * *

7. Section 15.72 is amended by revising paragraph (b) introducing text to read as fo11ows:

§ 15.72 Date when an equipment authorization is required.

* * * * *

(b) For other receivers. All radio receivers other than television broadcast receivers that operate (tune) in the range 30 to 901 MHz, or 935 to 941 MHz shall comply with the equipment authorization requirements with respect to radiation of radiofrequency energy, except as follows:

* * * * *

8. Section 15.79 is amended by revising the introductory paragraph to read as follows:

§ 15.79 Report of measurements: Receivers other than TV or FM.

The report of measurements of a receiver other than an FM or TV broadcast receiver and for each band in the range 30 to 890 MHz, 896 to 901 MHz, or 935 to 940 MHz in a multiband broadcast receiver shall include the information listed below if the receiver is subject to certification pursuant to § 15.69. If the receiver is subject to notification or verification, that report of measurements, including the information listed below, shall be submitted to the Commission only if it is specifically requested.

* * * * *

PART 22—PUBLIC MOBILE RADIO SERVICES

9. The authority citation for Part 22 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 5 U.S.C. 553.

10. Section 22.902 is amended by revising paragraphs (b)(1), (b)(2), and (e) to read as follows:

§ 22.902 Frequencies.

* * * * *

(b) * * *

(1) Cellular System A: 416 frequency pairs with 30 kHz channel spacing as follows:

Mobile frequencies

824.040, 824.070 ..... 834.990 MHz
845.010, 845.040 ..... 846.480 MHz

Base frequencies

869.040, 869.070 ..... 879.990 MHz
890.010, 890.040 ..... 891.480 MHz

(2) Cellular System B: 416 frequency pairs with 30 kHz channel spacing as follows:

Mobile frequencies

835.020, 835.050 ..... 844.980 MHz
846.510, 846.540 ..... 848.970 MHz

Base frequencies

880.020, 880.050 ..... 889.980 MHz
891.510, 891.540 ..... 893.970 MHz

* * * * *

(e) All mobile units must initially be capable of communicating on the 666 channels established by order in Docket No. 79–318, released May 4, 1981.

PART 90—PRIVATE LAND MOBILE RADIO SERVICES

11. The authority citation for Part 90 continues to read:

Authority: Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.

12. Section 90.205 is amended in the table in paragraph (b), by adding the following two new entries in numerical order by frequency range.

§ 90.205 Power.

* * * * *

(b) * * *

Frequency range (MHz)	Maximum output power (watts)	Maximum effective radiated power (watts)
* * * * *		
896 to 901	(6)	(6)
935 to 940	(7)	(6)
* * * * *		

* * * * *

§ 90.209 [Amended]

12a. Section 90.209 is amended by redesignating paragraph (h), which reads in part "(h) All out of band emissions, . . .", as paragraph (i).

13. Section 90.209 is amended by revising paragraph (b)(4), redesignating paragraphs (b)(5), (b)(6), (b)(7) and (b)(8) as (b)(6), (b)(7), (b)(8), and (b)(9) respectively; adding new paragraph (b)(5); revising the introductory text in paragraph (c); redesignating subparagrahs (c)(1), (c)(2) and (c)(3) as subparagraphs (c)(1)(i), (c)(1)(ii) and (c)(1)(iii), respectively; adding new subparagraphs (c)(2)(i), (c)(2)(ii) and (c)(2)(iii); and redesignating existing paragraphs (h) and (i) as new paragraphs (i) and (j), respectively; and by adding a new paragraph (h), as follows:

§ 90.209 Bandwidth limitations.

* * * * *

(b) * * *

(4) For all F3 emissions, on frequencies below 947 MHz, except for the frequency bands 896 to 901 MHz and 935 to 940 MHz, the maximum authorized bandwidth shall be 20 kHz and the maximum authorized frequency deviation shall be 5 kHz. However, stations authorized for operation on or before December 1, 1961, in the frequency band 73.0–74.6 MHz may continue to operate with a bandwidth of 40 kHz and a deviation of 15 kHz. For stations operating on frequencies above 947 MHz, except as provided in sub-paragraph (6) of this section, the maximum authorized bandwidth and frequency deviation will be specified in the station authorization.

(5) For all emissions on the frequency bands 896–901 MHz and 935–940 MHz, the maximum authorized bandwidth shall be 13.6 kHz. The maximum authorized frequency deviation for all frequency modulated emissions shall be 2.5 kHz.

* * * * *

(c) Except as noted in paragraphs (d), (f), (g), (h), or (i) of this section, the mean power of any emission shall be attenuated below the mean output power of the transmitter in accordance with the following schedule:

(1) For transmitters operating on bands other than 896–901 MHz or 935–940 MHz:

* * * * *

(2) For transmitters operating in the 896–901 or 935–940 MHz bands:

(i) On any frequency removed from the center of the authorized bandwidth by a displacement frequency equal to or greater than 6.8 kHz up to 9.0 kHz: at least 25 decibels;

(ii) On any frequency removed from the center of the authorized bandwidth by a displacement frequency equal to or greater than 9.0 kHz up to 15 kHz: at least 35 decibels;

(iii) On any frequency removed from the center of the authorized bandwidth by a displacement frequency equal to or greater than 15 kHz: at least 43 plus 10 log (mean output power in watts) or 70 decibels, whichever is the lesser attenuation.

* * * * *

(h) For transmitters that operate in the frequency bands 896–901 MHz and 935–940 MHz, and are not equipped with an audio low-pass filter in accordance with the provisions of § 90.211(d)(1), the power of any emission shall be attenuated below the unmodulated carrier power of the transmitter (P) in accordance with the following schedule:

(1) On any frequency removed from the center of the authorized bandwidth by a displacement frequency (f_d in kHz) of more than 2.5 kHz up to and including 6.25 kHz: At least 53 log (f_d/2.5) decibels;

(2) On any frequency removed from the center of the authorized bandwidth by a displacement frequency (f_d in kHz) of more than 6.25 kHz up to and including 9.5 kHz: At least 103 log (f_d/3.9) decibels;

(3) On any frequency removed from the center of the authorized bandwidth by a displacement frequency (f_d in kHz) of more than 9.5 kHz up to and including 15 kHz: At least 157 log (f_d/5.3) decibels;

(4) On any frequency removed from the center of the authorized bandwidth by a displacement frequency greater than 15 kHz. At least 50 plus 10 log (P) or 70 decibels, whichever is the lesser attenuation.

* * * * *

14. Section 90.211 is amended by revising the introductory language to paragraph (d); by adding a new subparagraph (d)(1)(iii); and by revising paragraph (d)(2) as follows:

§ 90.211 Modulation requirements.

* * * * *

(d) Each transmitter shall meet the requirements provided in paragraph (d) (1) or (2) of this section. The requirements of this paragraph do not apply to mobile stations which are authorized to operate with maximum power output of 2 watts or less and to any radio-telecommunication system operating wholly within the limits of one or more of the territories or possessions of the United States, or Alaska, or Hawaii, except those systems operating in the frequency ranges 806 to 821 MHz, 851 to 866 MHz, 896 to 901 MHz, and 935 to 940 MHz.

(1) * * *

(iii) For transmitters that operate in the frequency bands 896–901 MHz or 935–940 MHz, the attenuation of the low-pass filter between the frequencies of 3 kHz and 20 kHz shall be greater that the attenuation at 1 kHz by at least 100 log f/3 decibels where "f" is the frequency in kHz.

(2) Transmitters subject to the emission limitations of paragraphs (f), (g), (h) or (i) of § 90.209 shall be exempt from the audio low-pass filter requirements of this section, provided that transmitters used for digital emissions must be type accepted with the digital modulating signal or signals specified by the manufacturer. The type acceptance application shall contain such information as may be necessary to demonstrate that the transmitter complies with the emission limitations specified in paragraphs (f), (g), (h) or (i) of § 90.209.

15. Section 90.213 is amended by adding the following two new entries in numerical order by frequency range to the table in paragraph (a) and by revising associated footnote 11 to read as follows:

§ 90.213 Frequency tolerance.

(a) * * *

FREQUENCY TOLERANCE

Frequency range	Fixed and base stations		Mobile stations	
	Over 200 W output power	200 W or less output power	Over 2 W output power	2 W or less output power
* * *	*	*	*	*
896 to 901	(11)(16).00001	(11)(16).00001	(16).00015	(16).00015
935 to 940	(16).00001	(16).00001	(16).00015	(16).00015
* * *	*	*	*	*

* * * * *

11. Control stations may operate with the frequency tolerance specified for associated mobile stations.

* * * * *

14. Section 90.477 is amended by revising paragraph (b) introductory text to read as follows:

§ 90.477 Interconnected Systems.

* * * * *

(b) In the frequency ranges 806–821 MHz, 851–866 MHz, 896–901 MHz, and

935–940 MHz, interconnection with the public switched telephone network is authorized under the following conditions:

* * * * *

15. Section 90.492 is revised to read as follows:

§ 90.492 One way paging operations in the 806–821/851–866 MHz and 896–901/935–940 Mn. bands.

Paging operations are permitted in the 806–821/851–866 MHz and 896–901/935–940 MHz bands only in accordance with § § 90.378 and 90.645(e) and (f).

16. The heading for Part 90, Subpart S, of the Rules and Regulations is revised to read as follows:

Subpart S—Regulations Governing Licensing and Use of Frequencies in the 806–821, 851–866, 896–901, and 935–940 MHz Bands

17. Section 90.601 is revised to read as follows:

§ 90.601 Scope.

This subpart sets out the regulations governing the licensing and operations of all conventional systems operating in the 806–821/851–866 MHz and 896–901/935–940 MHz bands, and trunked systems operating in the 809.750–816/854.750–861 MHz and 896–901/935–940 MHz bands. Trunked systems operating in the 816–821/861–866 MHz bands are governed by the rules in subpart M until September 1, 1987. After that time they will be governed by the rules in this subpart. This subpart also governs the use of frequencies in the 806–821/851–866 MHz bands along the Mexican and Canadian border areas in accordance with existing agreements. It includes eligibility requirements, applications procedures, and operational and technical standards for stations licensed in these bands. The rules in this subpart are to be read in conjunction with the applicable requirements contained elsewhere in this part; however, in case of conflict, the provisions of this subpart shall govern with respect to licensing and operation in these frequency bands.

18. Section 90.603 is amended by revising the introductory paragraph to read as follows:

§ 90.603 Eligibility.

The following persons are eligible for licensing in the 806–821/851–866 MHz and 896–901/935–940 MHz Bands.

* * * * *

19. The heading immediately preceding § 90.611 is revised to read as follows:

Policies Governing the Processing of Applications and the Selection and Assignment of Frequencies for Use in the 806–821/851–866 MHz and 896–901/935–940 MHz Bands

20. Section 90.613 is amended by revising the introductory paragraph, by removing the parenthetical text under the heading to the table, each time it appears, and by adding a new table to read as follows:

§ 90.613 Frequencies available.

The following table indicates the channel designations of frequencies available for assignment to eligible applicants under this subpart. Frequencies shall be assigned in pairs, with mobile and control station frequencies taken from the 806–821 MHz band with corresponding base station frequencies being 45 MHz higher and taken from the 851–866 MHz band, or with mobile and control station frequencies taken from the 896–901 MHz band with corresponding base station frequencies being 39 MHz higher and taken from the 935–940 MHz band. Only the lower half of each frequency pair is listed in the table.

* * * * *

TABLE OF 896–901/935–940 MHz CHANNEL DESIGNATIONS

Channel No.	Mobile frequency (MHz)
1	896.0125
2	.0250
3	.0375
4	.0500
5	.0625
6	.0750
7	.0875
8	.1000
9	.1125
10	.1250
11	.1375
12	.1500
13	.1625
14	.1750
15	.1875
16	.2000
17	.2125
18	.2250
19	.2375
20	.2500
21	.2625
22	.2750
23	.2875
24	.3000
25	.3125
26	.3250
27	.3375
28	.3500
29	.3625
30	.3750
31	.3875
32	.4000
33	.4125
34	.4250
35	.4375
36	.4500
37	.4625
38	.4750
39	.4875
40	.5000
41	.5125
42	.5250
43	.5375
44	.5500
45	.5625
46	.5750
47	.5875
48	.6000
49	.6125
50	.6250
51	.6375
52	.6500
53	.6625
54	.6750
55	.6875
56	.7000
57	.7125
58	.7250
59	.7375
60	.7500
61	.7625
62	.7750
63	.7875
64	.8000
65	.8125
66	.8250
67	.8375
68	.8500
69	.8625
70	.8750
71	.8875
72	.9000
73	.9125
74	.9250
75	.9375
76	.9500
77	.9625
78	.9750
79	.9875
80	897.0000
81	.0125
82	.0250
83	.0375
84	.0500
85	.0625
86	.0750
87	.0875
88	.1000
89	.1125
90	.1250
91	.1375
92	.1500
93	.1625
94	.1750
95	.1875
96	.2000
97	.2125
98	.2250
99	.2375
100	.2500
101	.2625
102	.2750
103	.2875
104	.3000
105	.3125
106	.3250
107	.3375
108	.3500
109	.3625
110	.3750
111	.3875
112	.4000
113	.4125
114	.4250
115	.4375
116	.4500
117	.4625
118	.4750
119	.4875
120	.5000
121	.5125
122	.5250
123	.5375
124	.5500
125	.5625
126	.5750
127	.5875
128	.6000
129	.6125
130	.6250
131	.6375
132	.6500

TABLE OF 896-901/935-940 MHz CHANNEL DESIGNATIONS—Continued

Channel No.	Mobile frequency (MHz)
133	.6625
134	.6750
135	.6875
136	.7000
137	.7125
138	.7250
139	.7375
140	.7500
141	.7625
142	.7750
143	.7875
144	.8000
145	.8125
146	.8250
147	.8375
148	.8500
149	.8625
150	.8750
151	.8875
152	.9000
153	.9125
154	.9250
155	.9375
156	.9500
157	.9625
158	.9750
159	.9875
160	898.0000
161	.0125
162	.0250
163	.0375
164	.0500
165	.0625
166	.0750
167	.0875
168	.1000
169	.1125
170	.1250
171	.1375
172	.1500
173	.1625
174	.1750
175	.1875
176	.2000
177	.2125
178	.2250
179	.2375
180	.2500
181	.2625
182	.2750
183	.2875
184	.3000
185	.3125
186	.3250
187	.3375
188	.3500
189	.3625
190	.3750
191	.3875
192	.4000
193	.4125
194	.4250
195	.4375
196	.4500
197	.4625
198	.4750
199	.4875
200	.5000
201	.5125
202	.5250
203	.5375
204	.5500
205	.5625
206	.5750
207	.5875
208	.6000
209	.6125
210	.6250
211	.6375
212	.6500
213	.6625
214	.6750
215	.6875
216	.7000
217	.7125
218	.7250
219	.7375
220	.7500
221	.7625

TABLE OF 896-901/935-940 MHz CHANNEL DESIGNATIONS—Continued

Channel No.	Mobile frequency (MHz)
222	.7750
223	.7875
224	.8000
225	.8125
226	.8250
227	.8375
228	.8500
229	.8625
230	.8750
231	.8875
232	.9000
233	.9125
234	.9250
235	.9375
236	.9500
237	.9625
238	.9750
239	.9875
240	899.0000
241	.0125
242	.0250
243	.0375
244	.0500
245	.0625
246	.0750
247	.0875
248	.1000
249	.1125
250	.1250
251	.1375
252	.1500
253	.1625
254	.1750
255	.1875
256	.2000
257	.2125
258	.2250
259	.2375
260	.2500
261	.2625
262	.2750
263	.2875
264	.3000
265	.3125
266	.3250
267	.3375
268	.3500
269	.3625
270	.3750
271	.3875
272	.4000
273	.4125
274	.4250
275	.4375
276	.4500
277	.4625
278	.4750
279	.4875
280	.5000
281	.5125
282	.5250
283	.5375
284	.5500
285	.5625
286	.5750
287	.5875
288	.6000
289	.6125
290	.6250
291	.6375
292	.6500
293	.6625
294	.6750
295	.6875
296	.7000
297	.7125
298	.7250
299	.7375
300	.7500
301	.7625
302	.7750
303	.7875
304	.8000
305	.8125
306	.8250
307	.8375
308	.8500
309	.8625
310	.8750

TABLE OF 896-901/935-940 MHz CHANNEL DESIGNATIONS—Continued

Channel No.	Mobile frequency (MHz)
311	.8875
312	.9000
313	.9125
314	.9250
315	.9375
316	.9500
317	.9625
318	.9750
319	.9875
320	900.0000
321	.0125
322	.0250
323	.0375
324	.0500
325	.0625
326	.0750
327	.0875
328	.1000
329	.1125
330	.1250
331	.1375
332	.1500
333	.1625
334	.1750
335	.1875
336	.2000
337	.2125
338	.2250
339	.2375
340	.2500
341	.2625
342	.2750
343	.2875
344	.3000
345	.3125
346	.3250
347	.3375
348	.3500
349	.3625
350	.3750
351	.3875
352	.4000
353	.4125
354	.4250
355	.4375
356	.4500
357	.4625
358	.4750
359	.4875
360	.5000
361	.5125
362	.5250
363	.5375
364	.5500
365	.5625
366	.5750
367	.5875
368	.6000
369	.6125
370	.6250
371	.6375
372	.6500
373	.6625
374	.6750
375	.6875
376	.7000
377	.7125
378	.7250
379	.7375
380	.7500
381	.7625
382	.7750
383	.7875
384	.8000
385	.8125
386	.8250
387	.8375
388	.8500
389	.8625
390	.8750
391	.8875
392	.900(
393	.912(
394	.9250
395	.9375
396	.9500
397	.9625
398	.9750

TABLE OF 896-901/935-940 MHz CHANNEL DESIGNATIONS—Continued

Channel No.	Mobile frequency (MHz)
399	.9875

21. Section 90.617 is amended by revising the section heading, revising the heading on Tables 2, 3, and 4 and redesignating those tables as 2A, 3A, and 4A, respectively, and by adding new Tables 2B, 3B, and 4B, as follows:

§ 90.617 Frequencies in the 809.750-816/854.750-861 MHz and 896-901/935-940 MHz bands available for trunked or conventional system use in nonborder areas.

* * * * *

(b) * * *

Table 2A—Industrial/Land Transportation Category 806-821/851-866 MHz Band Channels (50 Channels):

* * * * *

Table 2B—Industrial/Land Transportation Category 896-901/935-940 MHz Band Channels (99 Channels):

For multichannel systems channels may be grouped vertically or horizontally as they appear in the table.

Channel Nos.

31-32-33-34-35
36-37-38-39-40
71-72-73-74-75
76-77-78-79-80
111-112-113-114-115
116-117-118-119-120
151-152-153-154-155
156-157-158-159-160
191-192-193-194-195
196-197-198-199-200
231-232-233-234-235
236-237-238-239-240
271-272-273-274-275
276-277-278-279-280
311-312-313-314-315
316-317-318-319-320
351-352-353-354-355
356-357-358-359-360
391-392-393-394-395
396-397-398-399.

(c) * * *

Table 3A—Business Category 806-821/851-866 MHz Band Channels (50 Channels):

* * * * *

Table 3B—Business Category 896-901/935-940 MHz Band Channels (100 Channels):

For multichannel systems, channels may be grouped vertically or horizontally as they appear in the table.

11-12-13-14-15
16-17-18-19-20
51-52-53-54-55
56-57-58-59-60
91-92-93-94-95
96-97-98-99-100
131-132-133-134-135
136-137-138-139-140
171-172-173-174-175
176-177-178-179-180
211-212-213-214-215
216-217-218-219-220
251-252-253-254-255
256-257-258-259-260
291-292-293-294-295
296-297-298-299-300
331-332-333-334-335
336-337-338-339-340
371-372-373-374-375
376-377-378-379-380.

(d) * * *

Table 4A—SMR Category 806-821/851-866 MHz Band Channels (80 Channels):

* * * * *

Table 4B—SMR Category 896-901/935-940 MHz Band Channels (200 Channels) available only for trunked operation:

Group No.	Channels Nos.
1	1-2-3-4-5-6-7-8-9-10
21	21-22-23-24-25-26-27-28-29-30
41	41-42-43-44-45-46-47-48-49-50
61	61-62-63-64-65-66-67-68-69-70
81	81-82-83-84-85-86-87-88-89-90
101	101-102-103-104-105-106-107-108-109-110
121	121-122-123-124-125-126-127-128-129-130
141	141-142-143-144-145-146-147-148-149-150
161	161-162-163-164-165-166-167-168-169-170
181	181-182-183-184-185-186-187-188-189-190
201	201-202-203-204-205-206-207-208-209-210
221	221-222-223-224-225-226-227-228-229-230
241	241-242-243-244-245-246-247-248-249-250
261	261-262-263-264-265-266-267-268-269-270
281	281-282-283-284-285-286-287-288-289-290
301	301-302-303-304-305-306-307-308-309-310
321	321-322-323-324-325-326-327-328-329-330
341	341-342-343-344-345-346-347-348-349-340
361	361-362-363-364-365-366-367-388-369-370
381	381-382-383-384-385-386-387-388-389-390

22. Section 90.621 is amended by revising paragraphs (a)(1) (i) and (iv), (a)(2)(i), and (g) to read as follows:

§ 90.621 Selection and assignment of frequencies.

(a) * * *

(1) * * *

(i) Channel groups will be chosen and assigned in accordance with §§ 90.617 or 90.619.

* * * * *

(iv) The maximum number of frequency pairs that will be assigned from the 806-821/821-866 MHz band to an SMR applicant at any one time is five. The maximum number of frequency pairs that will be assigned from the 896-901/935-940 MHz band to an SMR applicant at any one time is ten.

(2) * * *

(i) Channels will be chosen and assigned in accordance with §§ 90.615, 90.617, or 90.619. The 896-901/935-940 MHz band channel listed in the SMR pool are not available for conventional systems.

* * * * *

(g) The 806-821/851-866 MHz channels listed as available for eligibles in the Public Safety/Special Emergency, Industrial/Land Transportation, and Business Categories are available on a shared basis to all persons eligible in these categories under the following conditions. The 896-901/935-940 MHz channels listed as available for eligibles in the Industrial/Land Transportation and Business Categories will be available on a shared basis to all persons eligible in these categories under the following conditions 36 months from the date the first license in this spectrum is issued.

23. Section 90.627 is amended by revising paragraphs (a) and (b)(2) and by adding new paragraph (b)(3) to read as follows:

§ 90.627 Limitation on the number of frequency pairs that may be assigned for trunked systems and on the number of trunked systems.

(a) The maximum number of frequency pairs that may be assigned at any one time for the operation of a trunked radio system is twenty, except as specified in § 90.621(a)(1)(iv).

(b) * * *

(2) The licensee's existing trunked system is loaded to at least 80 vehicular and portable mobile units and control stations per channel; or,

(3) A licensee of an SMR system in the 806-821/851-866 MHz bands seeks authorization to operate an SMR system in the 896-901/935-940 MHz bands.

24. The heading immediately preceding § 90.635 is revised to read as follows:

Technical Regulations Regarding the Use of Frequencies in the 806-821/851-866 MHz and 896-901/935-940 MHz Bands

25. Section 90.635(d) is amended by revising the titles of Tables 2, 3, and 4 to read as follows:

§ 90.635 Limitations on power and antenna height.

* * * * *

Table 2—Equivalent Power and Antenna Heights for Base Stations in the

851–866 MHz and 935–940 MHz Bands Which Have a Requirement for a 32 km (20mi.) Service Area Radius.

* * * * *

Table 3—Equivalent Powers and Antenna Heights for Suburban Conventional Base Stations in the 851–866 MHz and 935–940 MHz Bands Which Have a Requirement for Less than 20-mi Service Area Radius-Maximum Effective Radiated Power (Watts).

* * * * *

Table 4—Equivalent Powers and Antenna Heights for Urban-Conventional and Trunked System Base Stations in the 851–866 MHz and 935–940 MHz Bands Which Have a Requirement for Less Than 20-mi Service Area Radius-Maximum Effective Radiated Power (Watts).

* * * * *

26. Section 90.637 is amended by revising paragraph (a) to read as follows:

§ 90.637 Restrictions on Operational Fixed Stations.

(a) Except for control stations, operational-fixed operations will not be authorized in the 806–821/851–866 MHz or 896–901/935–940 MHz bands.

* * * * *

27. Section 90.645 is amended by revising paragraphs (f) and (g), by redesignating the existing paragraph (h) as paragraph (i), and by adding a new paragraph (h) to read as follows:

§ 90.645 Permissible operations.

* * * * *

(f) Where the channel(s) is assigned to an SMRS licensee or exclusively to a single licensee, or where all users of a system agree, more than a single emission may be utilized within the authorized bandwidth. In such cases, the frequency stability requirements of § 90.213 shall not apply, but out-of-band emission limits of § 90.209 shall be met.

(g) Up to five (5) contiguous 806–821/851–866 band channels as listed in §§ 90.615, 90.617, and 90.619 may be authorized after justification for systems requiring more than the normal single channel bandwidth. If necessary, licensees may trade channels amongst themselves in order to obtain contiguous frequencies. Notification of such proposed exchanges shall be made to the appropriate frequency coordinator(s) and to the Commission for approval.

(h) Up to 10 contiguous 896–901/935–940 MHz band channels as listed in § 90.617 may be combined for systems requiring more than the normal single channel bandwidth. If necessary, licensees may trade channels amongst themselves in order to obtain contiguous frequencies. Notification of such proposed exchanges shall be made to the appropriate frequency coordinator(s) and to the Commission for approval.

* * * * *

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 86–23506 Filed 10–21–86; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 85–344; RM–5060]

Radio Broadcasting Services; Newberry, FL

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 263A to Newberry, Florida, as a first local FM service, at the request of Newberry Broadcasters. With this action, this proceeding is terminated.

EFFECTIVE DATE: November 17, 1986; The window period for filing applications will open on November 18, 1986, and close on December 17, 1986.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, (202) 634–6530, Mass Media Bureau.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 85–344, adopted September 24, 1986, and released October 10, 1986. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street NW, Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. In § 73.202, paragraph (b), the table of allotments in the entry for Newberry, Florida, Channel 263A is added.

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 86–23803 Filed 10–21–86; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 90

[FCC 86–188]

Elimination of Industrial Communications Emergency Plan (ICEP), Land Transportation Industries Communications Emergency Plan (LATICEP)

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This Order implements a recommendation made by the Radio Communications Subcommittee of the National Industry Advisory Committee (NIAC) which proposed to delete ICEP and LATICEP from Part 90, Subpart R of the Commission's rules. These were plans originally created in response to Presidential Executive Order 11490 and similar preceding Executive Orders which dealt with the assignment of emergency preparedness functions to federal departments and agencies. Both plans were prepared as a framework for development of detailed communications emergency plans. The change in title of Subpart R to *Frequency List* is consistent with the deletion of §§ 90.525 and 90.527.

EFFECTIVE DATE: October 22, 1986.

FOR FURTHER INFORMATION CONTACT: Michael Rentfrow, Management Planning and Program Evaluation Office, Office of the Managing Director, (202) 634–1592.

SUPPLEMENTARY INFORMATION:

1. The Radio Communications Subcommittee of NIAC reviewed ICEP and LATICEP and found that they were not current, not being used, and did not seem to be serving a useful purpose. The Subcommittee found that there were a sufficient number of generalized rules for emergency communcations in existence.

2. Because there are several generalized areas concerning emergency communications, deletion of ICEP and LATICEP has little or no impact on the emergency planning process or emergency operation during an actual emergency.

3. The Commission's policy is that whenever possible, unnecessary or outdated rules should be eliminated.

Elimination of ICEP and LATICEP is consistent with this policy.

4. Therefore, Subpart R of Part 90 is renamed *Frequency List* and the references to ICEP and LATICEP are stricken.

5. Because this amendment does not affect the normal operation of the services which might have used these outmoded plans, these changes constitute only minor amendments to our rules. The public is not likely to be interested in such minor amendments. Therefore, we find for good cause that compliance with the notice and comment procedures of the Administrative Procedures Act is unnecessary. See Section 5 U.S.C. 553(b)(3)(B).

6. Because we find that it is not in the public interest to maintain these outmoded emergency plans any longer, these rule deletions are effective immediately upon publication in the **Federal Register**. *See* 5 U.S.C. 553(d)(3).

7. Although section 601(2) applies the Regulatory Flexibility Act of 1980 (RFA) [Pub. L. 96–354] to rules adopted pursuant to Section 553 of the Administrative Procedures Act, the RFA is inapplicable to rules adopted without an opportunity for public notice and comment. Nevertheless, we find that this will have little or no economic impact on small entities.

8. For further information regarding matters covered in this document, contact Michael Rentfrow (202) 634–1592.

List of Subjects in 47 CFR Part 90

Civil defense Emergency medical services, Radio.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Rules Changes

Part 90 of Chapter 1 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 90—PRIVATE MOBILE RADIO SERVICES

1. The authority citation for Part 90 continues to read as follows:

Authority: Section 4, 303, 48 Stat., as amended, 1066 1082; 47 U.S.C.154, 303, unless otherwise noted.

2. The Title of Subpart R of Part 90 is revised to read:

Subpart R—Frequency List

§ 90.525 [Removed]

3. Section 90.525 Industrial Communications Emergency Plan (ICEP) is removed.

§ 90.527 [Removed]

4. Section 90.527 Land Transportation Industries Communications Emergency Plan (LATICEP) is removed.

[FR Doc. 86–23712 Filed 10–21–86; 8:45 am]

BILLING CODE 6712–01–M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1057

[Ex Parte No. MC–43 (Sub-No. 16)]

Lease and Interchange of Vehicles; Identification Devices

AGENCY: Interstate Commerce Commission.

ACTION: Final rules.

SUMMARY: Final rules are adopted governing the removal and/or return of carrier identification devices on termination of a lease agreement (*see* appendix). The present rules requiring carriers to: (1) Retrieve their identification devices; and (2) obtain a receipt when equipment owners retake possession of their equipment are removed. The final rules require that these matters be negotiated between the parties and addressed in the lease agreement. Additionally, the final rules permit carriers to withhold payment to equipment owners pending removal and return of their identification devices.

EFFECTIVE DATE: November 21, 1986.

FOR FURTHER INFORMATION CONTACT:

Paul W. Schach, (202) 275–7885

or

Mark Shaffer (202) 275–7805

SUPPLEMENTARY INFORMATION:

Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. Infosystems, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or call 289–4357 (DC Metropolitan area) or toll-free (800) 424–5403.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

Regulatory Flexibility Analysis

We reaffirm our prior certification. The rules we are adopting here will not have a significant economic impact on a substantial number of small entities. While the rules we adopt will affect a substantial number of small entities, *i.e.*, independent owner-operators, their economic impact will not be substantial. Equipment owners required by the lease contract to remove, package, and return identification devices to the carriers may incur some additional but minimal expense, but, as stated in our earlier decision, such additional costs can ultimately be the subject of negotiations between the equipment owner and the carrier entering into a lease contract. This same analysis applies to those owner-operators required by the lease to provide the carrier with a receipt when they retake possession of the equipment. Finally, the other rule revisions that we adopt here do not have any direct economic impact.

List of Subjects in 49 CFR Part 1057

Motor carriers.

Decided: October 10, 1986.

By the Commission, Chairman Gradison, Vice Chairman Simmons, Commissioners Sterrett, Andre, and Lamboley

Noreta R. McGee,

Secretary.

Appendix—Final Rules

Part 1057 of the Code of Federal Regulations, Title 49, is amended as follows:

PART 1057—LEASE AND INTERCHANGE OF VEHICLES

1. The authority citation for 49 CFR Part 1057 continues to read as follows:

Authority: 49 U.S.C. 11107 and 10321; 5 U.S.C. 553.

2. Section 1057.11(b)(2) is revised to read as follows:

§ 1057.11 General leasing requirements.

* * * * *

(b) * * *

(2) When possession of the equipment by the authorized carrier ends, a receipt shall be given in accordance with the terms of the lease agreement if the lease agreement requires a receipt.

* * * * *

3. The second sentence of 49 CFR 1057.11(c)(1) is removed.

4. Two sentences are added to 49 CFR 1057.12(e) at the beginning of the section to follow the heading as follows:

§ 1057.12 Written lease requirements.

* * * * *

(e) The lease shall clearly specify which party is responsible for removing identification devices from the equipment upon the termination of the lease and when and how these devices, other than those painted directly on the equipment, will be returned to the carrier. The lease shall clearly specify the manner in which a receipt will be given to the authorized carrier by the equipment owner when the latter retakes possession of the equipment

upon termination of the lease agreement, if a receipt is required at all by the lease. * * *

* * * * *

5. Three sentences are added to 49 CFR 1057.12(f) between the existing second and third sentences as follows:

* * * * *

(f) * * *

In addition, the lease may provide that, upon termination of the lease agreement, as a condition precedent to payment, the lessor shall remove all identification devices of the authorized carrier and, except in the case of identification painted directly on equipment, return them to the carrier. If the identification device has been lost or stolen, a letter certifying its removal will satisfy this requirement. Until this requirement is complied with, the carrier may withhold final payment. * * *

* * * * *

[FR Doc. 86-23855 Filed 10-21-86; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 611

[Docket No. 60598-6098]

Foreign Fishing; Bering Sea and Aleutian Islands Groundfish Fishery

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of foreign fishery reopening and request for comments.

SUMMARY: The Secretary of Commerce has determined that fishing vessels of the Republic of China (PRC) may continue trawling for the 1986 PRC allocation of pollock in the Bering Sea and Aleutian Islands (BSA) management area. The Director, Alaska Region, NMFS (Regional Director), closed the BSA management area to trawling by vessels of the PRC on June 20, 1986, after the PRC's portion of the prohibited species catch (PSC) limit for Pacific halibut was exceeded. The Secretary is allowing the PRC to continue a directed fishery for pollock under foreign fishing regulations governing the BSA groundfish fishery.

DATES: Effective October 17, 1986. Public comments will be received until November 21, 1986.

ADDRESSES: Comments should be mailed to Robert W. McVey, Alaska Region, National Marine Fisheries Service (Regional Director), P.O. Box 1668, Juneau, Alaska 99802, or be delivered to Room 453, Federal Building, 709 West Ninth Street, Juneau, Alaska.

FOR FURTHER INFORMATION CONTACT: Janet Smoker (Resource Management Specialist, Alaska Region, NMFS), 907-586-7229.

SUPPLEMENTARY INFORMATION:

Background

Regulations governing foreign fishing for groundfish in the BSA establish PSC limits for four species caught incidental to the permitted trawl fisheries. Each foreign nation receiving an allocation of BSA groundfish is given a portion of the overall PSC limit, based on the amount of its groundfish allocation. The initial 1986 PSC limit of Pacific halibut for fishing vessels of the PRC was 5 metric tons (mt).

When a PSC limit is reached, the entire management area is closed to trawling by vessels of that nation for the remainder of the fishing year. However, the Regional Director may allow a selected portion of that nation's fleet to continue fishing after making certain findings under criteria described at § 611.93(e)(2)(iii). These criteria include the following:

(A) The risk of biological harm to prohibited species stocks and of socioeconomic harm to authorized prohibited species users posed by continued trawling by the selected element;

(B) The extent to which the selected elements have avoided incidental prohibited species catches up to that point in the fishing year;

(C) The confidence of the Regional Director in the accuracy of the estimates of prohibited species catch by the selected elements up to that point in the fishing year;

(D) Whether observer coverage of the selected elements is sufficient to assure adherence to the prescribed conditions and to alert the Regional Director to increases in the elements' prohibited species catch; and

(E) The enforcement record of owners and operators of vessels included in the selected elements, and the confidence of the Regional Director that adherence to prescribed conditions can be assured in light of available enforcement resources.

Fishing vessels of the PRC began fishing for the first time in the fishery conservation zone in March 1986. After a short directed fishery on pollock, with a catch of 752.8 mt, the vessels engaged in joint ventures with U.S. fishermen until resuming directed fishing for yellowfin sole and flatfish in late May. Within a few weeks, based on catch rates recorded by NMFS observers, the total bycatch of Pacific halibut had reached 8.2 mt. The Regional Director closed the BSA management area to further directed fishing by the PRC on June 20, 1986.

On September 5, 1986, the PRC received an additional allocation of 1000 mt consisting mainly of pollock. In order to allow the PRC an opportunity to harvest this allocation plus amounts of pollock remaining in its original allocation, a total of 2,098 mt, the Regional Director finds that fishing vessels of the PRC may resume fishing for pollock in the BSA management area provided the Pacific halibut bycatch does not exceed 3.0 mt. If the 3.0 mt halibut bycatch limit is achieved, the Regional Director will immediately close the area to further fishing by vessels of the PRC regardless of any remaining allocations.

Findings

The Regional Director, in accordance with the five criteria listed above, makes the following additional findings:

A. The risk of biological and socioeconomic harm to halibut stocks and fishermen would be low if PRC trawlers conduct a directed fishery for pollock only. The total PSC catch of halibut by all foreign trawling is 228.2 mt, only 33 percent of the allowable PSC catch (684 mt) by foreign trawling in 1986.

B. The PRC avoided excessive (less than 0.3 mt) incidental halibut catches while previously fishing for pollock. Based on this catch rate, the Regional Director has determined that an additional 3.0 mt of pacific halibut will adequately allow the harvest of the remaining PRC allocation of pollock.

C. The Regional Director is confident that the prohibited species catch estimates are accurate due to 100 percent observer coverage of the vessels of the PRC.

D. One hundred percent observer coverage of the PRC trawl fleet is sufficient to assure adherence to the condition that it fish for pollock only and to alert the Regional Director to increases in its prohibited species catch.

E. Although the PRC has received nine enforcement violations to date, that number, while high, is not unusual for a country new to the fishery, and violations are expected to decrease in the future. Furthermore, the Regional Director is confident that the incidental catch of halibut was not intentional and that a fishery on pollock only would minimize the incidence of the halibut catch. Finally, the Regional Director has been assured of PRC intentions to observe their PSC limits strictly.

This notice will become effective upon filing for public inspection with the Office of the Federal Register. Public comments on this notice may be submitted to the Regional Director at the address above. After considering any comments received, the Regional Director will determine whether this notice should be revised.

Other Matters

Allowing the PRC fleet the opportunity to harvest its current allocation of pollock increases the efficiency of PRC factory trawlers participating in joint ventures with domestic fishermen because the factory trawlers are able to fish when weather conditions prevent fishing by the smaller domestic joint venture vessels. This is especially important during the fall when adverse weather conditions may be encountered in the BSA management area. The flexibility afforded by a directed fishery will enable the PRC to increase its purchases of groundfish from domestic joint venture fishermen. This benefit to domestic fishermen would be reduced if delay of the PRC pollock fishery discouraged the PRC vessels from returning to the fishing grounds.

For this reason, the Assistant Administrator for Fisheries, NOAA, finds, under § 611.93(e)(1)(ii)(C), that provision of an opportunity for 30 days of public comment prior to the effective date of this notice would be impracticable and contrary to the public interest and that no delay should occur in its effective date. This action is taken under the authority of regulations specified at 50 CFR 611.93 and 675.20(b) and complies with Executive Order 12291.

List of Subjects in 50 CFR Part 611

Fisheries.

Authority: 16 U.S.C. 1801 et seq.

Dated: October 17, 1986.

Carmen J. Blondin,

Deputy Assistant Administrator For Fisheries Resource Management, National Marine Fisheries Service.

[FR Doc. 86-23878 Filed 10-17-86; 3:38 pm]

BILLING CODE 3510-22-M

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50 CFR Parts 611 and 675

[Docket No. 61095-6195]

Foreign Fishing; Groundfish of the Bering Sea and Aleutian Islands Area

AGENCY: National Marine Fisheries Service NMFS, (NOAA), Commerce.

ACTION: Emergency interim rule and request for comments.

SUMMARY: The Secretary of Commerce (Secretary) has determined that an emergency exists in the groundfish fishery of the Bering Sea and Aleutian Islands (BSAI) management area resulting from the current regulatory requirement that the Secretary prohibit all fishing for groundfish in the BSAI management area or either sub-area where the total allowable catch (TAC) for any groundfish species is achieved. This action amends current regulations to (1) authorize closure of either sub-area of the BSAI management area to directed fishing for specified groundfish species prior to achieving the TAC for that species; (2) assure an amount of the specified species necessary for incidential catch in fisheries for other groundfish species during the remainder of the year; (3) require treating any specified groundfish species as a prohibited species when the TAC for that species has been achieved; and (4) to clarify the definition of "fishing year". Public comments are invited on this emergency rule and will be considered in the promulgation of a final rule permanently implementing these measures. The intended effect of this is to promote the full utilization of all groundfish species without causing biological harm to any one species and without inhibiting the development of domestic fisheries and is intended as a conservation and management measure to make optimum use of groundfish yields in 1986 and subsequent years.

DATES: Effective October 20, 1986 until January 20, 1987. Written comments on 50 CFR Part 675 and supporting documents must be received on or before November 19, 1986.

ADDRESS: Comments should be mailed to Robert W. McVey, Director, Alaska Regional Office, NMFS, P.O. Box 1668, Juneau, Alaska 99802, or be delivered to Room 453, Federal Building, 709 West Ninth Street, Juneau, Alaska. Copies of the emergency interim rule and supporting documents may be obtained from the address above.

FOR FURTHER INFORMATION CONTACT: Jay J.C. Ginter, Resource Management Specialist, NMFS, 907-586-7230.

SUPPLEMENTARY INFORMATION:

Background

The domestic and foreign groundfish fishery in the fishery conservation zone (3-200 miles offshore) of the BSAI is managed under the Fishery Management Plan for the Groundfish Fishery in the Bering Sea and Aleutian Island Area (FMP). The FMP was developed by the North Pacific Fishery Management Council (Council) under the Magnuson Fishery Conservation and Management Act (Magnuson Act) and implemented January 1, 1982 (46 FR 63295, December 31, 1981).

At its March 19-21, 1986 meeting, the Council reviewed the progress of the domestic sablefish fishery in the Bering Sea subarea. The Council considered whether to continue the fishery for the remainder of the year through reapportionment of nonspecific reserve or to close only the directed fishery for sablefish by emergency rule and prohibit the retention of sablefish caught while fishing for other groundfish species for the remainder of the year. The Council recommended that the Secretary reapportion enough reserve to continue the sablefish fishery until its June 25-27 meeting, at which time the Council would again evaluate the harvest rate in the sablefish fishery. Accordingly, the Secretary reapportioned 500 metric tons (mt) of sablefish from the nonspecific reserve to the domestic fishery on May 19, 1986 (51 FR 18333).

At its June meeting, the NMFS Director, Alaska Regional Office (Regional Director), informed the Council that the new sablefish TAC was likely to be taken within one week. The Council then recommended that the Secretary immediately implement a combined interim emergency rule and permanent regulatory amendment to allow the Secretary to slow the rate of catch of any groundfish species by designating it for incidental or bycatch only when necessary to extend the harvest of that species until the end of the year. If the TAC of a groundfish species was reached, despite its status as bycatch only, prior to the end of the year, then the Council recommended that the Secretary prohibit further retention of this species in other groundfish fisheries. The Council recommended also that any further reserve releases to the sablefish TAC in 1986 be for bycatch only until such time that the emergency rule was implemented and sablefish retention was prohibited.

This recommendation is implemented while this emergency rule is effective by amending 50 CFR 675.20(a) to accommodate three conditions. First, directed fishing for a groundfish species can be prohibited during a fishing year when the Regional Director determines that the remaining amount of TAC of that species is necessary as bycatch in groundfish fisheries for other species during the remainder of the fishing year. This will allow incidental catches and retention of the species while fishing is directed to other groundfish species. It also will prevent wasting potentially

large amounts of fully harvested species which would occur if they are treated as prohibited species without first slowing the catch of fully harvested species by prohibiting directed fishing. Prohibiting directed fishing limits incidental catches to less than 20 percent of the catch aboard a vessel at any time as directed fishing is defined at § 675.2

Second, if the TAC of a groundfish species is achieved before the end of a fishing year, then it must be treated in the same manner as a prohibited species. This means that catches of species for which the TAC has been reached must be avoided and cannot be retained. In addition to prohibiting further directed fishing, this provision creates an incentive for fishermen to avoid high incidental catches of prohibited species since all such catches must be immediately sorted and returned to the sea.

Finally, fishing for groundfish other than the species for which a TAC has been achieved may be limited if the Regional Director determines that such fishing may lead to overfishing of the species for which a TAC has been achieved. This provision would be invoked only if significant incidental catches of a fully harvested species cannot be avoided by directed fishing for other groundfish species.

Problem Statement

Regulations at § 675.20(a)(7) require prohibition of fishing by U.S. vessels in the entire BSAI management area or applicable subarea when the combined catch of a species by foreign and U.S. vessels reaches the amount apportioned to the fishery for that species. That is, all fishing must cease when the TAC for a species is reached. This prohibition applies to any fishing that involves the taking of the species for which the TAC is fully harvested. Hence, in addition to preventing directed fishing for a species for which the current TAC has been reached, this regulation also prohibits fishing for other species that may take incidental catches of the species for which the TAC has been reached.

Twelve species or species groups (species) of groundfish are managed under the FMP, which establishes a TAC for each species. The sum of the TAC for each species must be within the optimum yield (OY) range of 1.4–2.0 million metric tons (mt) established by the FMP. Each TAC represents the best estimate of an annual harvest level for that species, taking into account biological and socioeconomic information. The current TAC for each species is effectively a limit above which additional fishing is not allowed. The current TAC for any species can be increased during a fishing year by reapportionment from the non-specific reserve. This reserve is compiled before the fishing year begins from the sum of 15 percent of the initial TAC of each groundfish species.

Amounts of fish may be reapportioned from the reserve to the current TAC of any species as necessary to avoid premature closure of any fishery that may take, either as a directed or incidental catch, a species for which the current TAC is nearly reached. Reapportionment is not limited to the 15 percent of the species' initial TAC that was originally subtracted to make the reserve. However, it would be imprudent to reapportion large amounts of the reserve to a single species. As a guide to safe increases to the current TAC of a species through reapportionment, the Council and NMFS use the equilibrium yield (EY) estimated for the species. The EY is a theoretical maximum fishing mortality above which a short-term decrease in future fishery production could be expected. As such, species' EYs are practical guides to a level of fishing mortality below which overfishing will not occur.

In the past, reapportionment from the reserve to a single species for which the TAC was nearly reached has been successful in avoiding the closure of fisheries for other groundfish species which would otherwise be required under § 675.20(a)(7). Such a reapportionment has been justified by FMP objectives 1 and 3 (providing for optimal use of resources and development of domestic fisheries) and by preventing overfishing which assures compliance with National Standard 1 of the Magnuson Act (preventing overfishing). With increasing development of domestic fisheries in the Bering Sea, there is increasing pressure to reapportion from reserves to sustain fisheries for groundfish other than species for which the current TAC is almost fully harvested. This practice is potentially counterproductive in the long term, but is preferable to prohibiting most goundfish fishing under § 675.20(a)(7).

The foreign regulations implementing the FMP at 50 CFR 611.93(b)(3)(ii)(A) have similar provisions. Under this regulation, foreign groundfish fishing is prohibited when the quota or TAC of sablefish, turbots, or Pacific cod has been fully harvested. When the TAC of other groundfish species is reached, the Regional Director is required to prohibit foreign fishing using trawl gear. Hence, like the domestic regulations, the current rules for foreign fisheries effect comprehensive closures when the quota for a single species is reached.

Closures to foreign fisheries can occur under this regulation before the total allowable level of foreign fishing (TALFF) is reached. Under current interpretation of the Magnuson Act, domestic fishermen have priority access to the TAC which is composed of TALFF and the domestic annual harvest (DAH). Therefore, domestic fisheries may continue, after the DAH has been taken, by harvesting the TALFF until the TAC is reached. This prevents certainty of allocation availability and negatively affects fishermen involved in joint ventures with foreign fishery interests.

The groundfish fisheries in the BSAI at various rates depending on the availability and market demand of groundfish and other factors. At present, the current TAC of some of the more commonly harvested species, such as pollock, yellowfin sole, and Pacific cod are roughly one-third taken. However, the sablefish and Pacific ocean perch TACs in the Bering Sea subarea are close to being fully harvested with over 95 percent of the current TAC taken. Without the changes provided by this emergency interim rule, all groundfishing, domestic and foreign, in the Bering Sea subarea would be prohibited when the sablefish TAC is achieved under current regulations. This would impose severe economic hardship on fishermen forced to forego access to other species of groundfish in the Bering Sea for the remainder of the fishing year.

Regulatory Amendment

The Secretary temporarily amends, by emergency rule, 50 CFR 611.93(b)(3)(ii)(A) and 675.20(a) to authorize certain species-specific fishing restrictions. In addition, the Secretary is proposing to permanently amend the current rules at 50 CFR 675.20(a). These changes are as follows.

(a) Prohibiting DAH directed fishing. The amendment provides for prohibiting further domestic directed fishing for a species when the remaining TAC for that species is necessary as bycatch in fisheries for other groundfish species during the remainder of the fishing year. Such action would allow directed fishing for other groundfish species and retention of incidental catches of the species for which the TAC is nearly exhausted. Prohibiting directed fishing for a species means that fishermen may not have 20 percent or more of their total catch on board at any time composed of that species (§ 675.2). However, fishermen have an incentive to make the remaining TAC for the species last through the end of the fishing year. Doing so would prevent

wastage and allow fishermen to avoid the tendious task of sorting and discarding a species once its TAC has been fully harvested.

(b) Prohibited species treatment. The amendment provides for requiring treatment of any species for which the TAC is fully harvested in the same manner as a prohibited species. Catches of prohibited species cannot be retained and must be returned to the sea immediately and with minimum injury regardless of condition. Currently, prohibited species are defined as unallocated nongroundfish species such as salmon, halibut and crabs (§ 675.20(c)). The amendment does not change this definition, but uses it to describe how groundfish for which the TAC is fully harvested should be treated. Treatment of certain groundfish species in the same manner as prohibited species would not necessarily preclude fishing for other groundfish species with TACs not fully harvested. However, the incentive to at least avoid sorting and discarding incidental catches of "prohibited" groundfish species should encourage fishing effort to avoid areas of high incidental catches of these species.

(c) Restricting fisheries for other species. The amendment provides authority to impose restrictions, if necessary to prevent overfishing of groundfish species for which the TAC is fully harvested when high incidental catches of these species cannot be avoided in fisheries for other species. Such restrictions may include area closures, gear restrictions or complete prohibition of directed fishing for other species. This provision would be invoked only when (1) the TAC of a species is fully harvested, (2) it is to be treated in the same manner as a prohibited species, and (3) incidental catches of it threaten overfishing. Overfishing is the level of fishing mortality that jeopardizes the capacity of a stock to maintain or recover to a level at which it can produce maximum biological or economic value on a long-term basis under prevailing biological and environmental conditions (50 CFR 602.11(d)(1)).

When the Regional Director makes any of the determinations that lead to prohibiting directed fishing, designating a species to be treated in the same manner as a prohibited species, or restricting fishing for other species, he is required to consider allowing continued fishing whenever possible at times, in areas, and with gear types that incurs acceptable levels of risk of biological and socioeconomic harm.

(d) Temporary amendment of foreign regulations. For an immediate and interim period only, the amendment provides authority to prohibit retention by foreign fisheries of any groundfish species for which the TAC is fully harvested. Such species are to be treated in the same manner as prohibited species. The intended effect of this action is to allow continued foreign fishing for target species for which the TALFF is not fully harvested after the TAC for one or more by-catch species is reached. Such continued fishing is limited, however, to an amount determined by the Regional Director as a minimum amount necessary to allow harvesting of the remaining TALFF of target species and an amount that would not significantly risk overfishing the species for which the TAC is fully harvested.

Finally, the amendment adds to the definitions of the domestic regulations at § 675.2 the term "fishing year." This term is used in the FMP to mean calendar year. Its definition is necessary to specify the time period within which harvesting of the TAC is measured.

Summary of Socioeconomic Analysis

The vessels fishing groundfish in the BSAI area are considered to be small entities within the meaning of the RFA. These vessels vary in size and capacity as to harvesting and/or processing of groundfish. Domestic vessels fishing in the BSAI area have home ports primarily in the states of Alaska, Washington, and Oregon. The principal fishing gear used by domestic vessels includes trawls, pots, and hook-and-line (longlines). Foreign vessels fishing in the BSAI area are from Japan, Republic of Korea, Poland, the Soviet Union, the Peoples Republic of China, and Taiwan. These vessels primarily use trawl gear except that the Japanese also conduct a longline fishery in the BSAI area. In addition, many foreign vessels receive fish from US catcher vessels involved in joint venture processing (JVP) arrangements through private companies. Domestic vessels involved in JVP fisheries do not need separate permits for that purpose and may deliver fish to JVP and domestic processors within a year. The numbers of vessels to which the proposed rule will apply are listed in Table 1.

TABLE 1.—NUMBERS OF VESSELS INVOLVED IN BSAI AREA GROUNDFISH FISHERIES IN 1986 [a] (Source: NMFS)

Gear type	Domestic	JVP	Foreign
Trawl	137	[c] 95	[d] 299
Longline	303		23
Pot	17		
Other	[b] 19		[e] 268
TOTAL	476	95	590

[a] Data are current as of July 7, 1986; represent the number of vessels receiving federal fishery permits for the BSAI area, except as noted in (3).

[b] This category includes support vessels requiring permits as fishing vessels and other gear types that may take groundfish.

[c] A separate permit is not required for JVP operations; this number represents domestic vessels known to have made JVP deliveries to date. All of these vessels are included in the domestic column.

[d] This category includes foreign catcher vessels receiving JVP deliveries.

[e] This category includes support vessels requiring permits as fishing vessels.

Marginal benefits of the proposed action (the proposed rule) relative to the status quo (the current rule) would accrue to domestic groundfish fishermen in the form of opportunity to harvest groundfish species that would otherwise be denied under current regulations. To estimate the monetary value of this opportunity, several hypothetical scenarios were used to illustrate the economic effect of fishery closures under the status quo in 1985. These scenarios assumed closure of the BSS at three different times during the fishing year due to the TAC of one species becoming fully harvested. The three times chosen for the analysis coincided with the end of the first, second, and third quarters of the year. Foregone volumes of fish (in metric tons) and exvessel value (in millions of dollars) resulting from BSS closures at these times are summarized in Table 2. Since the proposed action would obviate such foregone opportunities, the values given in Table 2 also represent an exvessel estimate of the monetary benefit of the proposed action under each scenario. The average benefit per domestic vessel permitted to fish in the BSAI area in 1986 would be about $125,000, $96,000, and $25,000 respectively under scenarios A, B, and C.

Marginal costs of the proposed action relative to the status quo would be insignificant. Additional costs under the proposed action would be either administrative or fishery costs. No new administrative requirements are contemplated by the proposed action. The cost of reduced future fishery production resulting from overfishing would be insignificant under the protective provision of the proposed action to restrict any groundfish fishing that may lead to overfishing of a fully harvested species. Some unknown cost may be associated with alteration of fishing patterns.

TABLE 2.—SUMMARY OF FOREGONE FISHERY OPPORTUNITY (UNDER STATUS QUO) OR BENEFIT (UNDER PROPOSED ACTION) TO BERING SEA SUBAREA DAH FISHERMEN UNDER DISCUSSED HYPOTHETICAL SCENARIOS.

Scenario	Fishery closure	Foregone opportunity/ benefit	
		Volume (mt)	Value ($M)
A	March	585,232	59.4
B	June	394,118	45.5
C	September	44,880	12.0

The hypothetical scenarios described in this analysis indicate that the proposed action could be worth nearly $60 million in exvessel revenues to domestic fishermen. However, these estimates are based on data from the BSAI area groundfish fishery in 1985. More specifically, only the BSS is represented in these estimates. Data from previous years' fisheries in the BSS indicate substantial growth in the volume of DAH catches from this subarea. The annual rate of increase in domestic groundfish harvests from 1982 through 1985 have ranged from 52 percent to 123 percent with an average annual increase for the period of 89 percent. Preliminary figures for 1986 through mid-July indicate that this growth will continue at least for the near future, although it probably will slow substantially during and after 1987. In addition, the Aleutian Islands subarea, which currently yields less than 10 percent of the total domestic harvest, may grow in importance to domestic fishermen.

The apparent significance of this growth trend is that the estimated benefits from hypothetical examples used in this analysis are probably conservative. If growth in value accompanies growth in volume of harvest, then the actual benefit of the proposed action to domestic fisheries in the whole BSAI area could be several times the calculated values (even after present value discounting). As domestic fisheries continue to develop in this area, the TACs of certain species may become fully harvested at successively earlier times in the fishing year. This will add to the marginal benefit of the proposed action as the analysis demonstrates.

Classification

The Assistant Administrator for Fisheries, NOAA, has determined that this rule is necessary to respond to an emergency situation and that it is consistent with the Magnuson Act and other applicable law. This rule is implemented for an interim period of 90 days under section 305(e) (2)(A) of the Magnuson Act. Comments are requested because NOAA intends to follow this action with a final rule.

The Assistant Administrator also finds for good cause that the reasons justifying promulgation of this rule on an emergency basis also make it impractical and contrary to the public interest to provide prior notice and opportunity for comment, or to delay for 30 days the effective date of this emergency rule, under provisions of section 553(b) and (d) of the Administrative Procedure Act. Early implementation of this rule will convey a benefit to groundfish fishermen who otherwise might have to forego substantial amounts of other groundfish species if the TAC of a species is caught.

The Regional Director, NMFS, prepared an environmental assessment (EA) for this rule and concluded that no significant impact on the human environment would result from this rule, either from implementing it immediately under section 305(e), or after amending it permanently by final rule under section 305(g) of the Magnuson Act. A regulatory impact review (RIR) and an initial regulatory flexibility analysis (IRFA) are combined with the EA as one document. Copies of the EA/RIR/IRFA may be obtained from the address listed above and comments on it and the proposed rule are requested.

This emergency interim rule is exempt from the normal review procedures of Executive Order 12291 as provided in section 8(a)(1) of that Order. This rule is being reported to the Director of the Office of Management and Budget with an explanation of why it is not possible to follow the regular procedures of that Order. The NOAA Administrator, however, determined that, as a proposed rule, it is not a "major rule" requiring a regulatory impact analysis under Executive Order 12291. This determination was based on the socioeconomic analysis contained in the EA/RIR/IRFA, which is discussed below.

This emergency interim rule is exempt from the procedures of the Regulatory Flexibility Act, because it is issued without opportunity for prior public comment. The Alaska Region, NMFS, however, prepared an initial regulatory flexibility analysis for the proposed rule as part of the regulatory impact review, which concludes that this proposed rule, if adopted, would potentially have significant beneficial economic effects on small entities. A summary of the socioeconomic analysis contained in the EA/RIR/IRFA on which determinations are based that this proposed rule is nonmajor and significant is found in the preamble above.

The Assistant Administrator has determined that this rule will be implemented in a manner that is consistent to the maximum extent practicable with the approved coastal zone management program of the State of Alaska. This determination has been submitted for review by the responsible State agencies under Section 307 of the Coastal Zone Management Act.

This action does not contain a collection of information requirement and therefore is not subject to the provisions of the Paperwork Reduction Act.

List of Subjects

50 CFR Part 611

Fisheries, Foreign relations, Reporting and recordkeeping requirements.

50 CFR Part 675

Fisheries, Reporting and recordkeeping requirements.

Dated: October 17, 1986.

Carmen J. Blondin,

Deputy Assistant Administrator For Fisheries Resource Management, National Marine Fisheries Service.

For the reasons set forth in the preamble, 50 CFR Parts 611 and 675 are amended as follows:

1. The authority citation for Parts 611 and 675 continues to read as follows:

Authority: 16 U.S.C. 1801 et seq.

PART 611—[AMENDED]

2. In § 611.93, paragraph (b)(3)(ii)(A) is suspended from October 20, 1986, through January 20, 1987. A new paragraph (b)(3)(ii)(D) is effective from October 20, 1986, through January 20, 1987, to read as follows:

§ 611.93 Bering Sea and Aleutian Islands groundfish fishery.

* * * * *

(b) * * *

(3) * * *

(ii) * * *

(D) *Attainment of total allowable catch.* When the Regional Director determines that the total allowable catch (TAC) for any target species or the "other species" category is or will be achieved prior to December 31 of each year, the Secretary will prohibit retention of that species or species group and require that it be treated in the same manner as a prohibited species described in §§ 611.1 and 611.11 of this part. The Secretary may allow continued fishing for groundfish other than the species or species group for which the TAC is or will be achieved if the amount

of such species caught incidental to such fishing does not exceed an amount determined by the Regional Director as the amount necessary to allow harvesting of the remaining TALFF of target species and an amount that would significantly risk overfishing the species or species group for which the TAC is or will be achieved.

* * * * *

PART 675—[AMENDED]

3. In § 675.2, a new definition is added in correct alphabetical order to read as follows:

§ 675.2 [Amended]

Fishing year means the period of time beginning at 0901 GMT (0001 hours Alaska Standard Time) on January 1 and ending at 0900 GMT on January 1 (2400 hours Alaska Standard Time on December 31).

4. In § 675.20, paragraph (a) is amended by revising paragraph (a)(7) and adding new paragraphs (a)(8) through (a)(10) to read as follows:

§ 675.20 General limitations.

(a) * * *

(7) When the Regional Director determines that the amount of the TAC of any target species or of the "other species" category remaining during the fishing year is necessary for bycatch in fisheries for other groundfish species during the remaining fishing year, the Secretary will publish a notice in the **Federal Register** prohibiting directed fishing for that species or the "other species" category for the remainder of the fishing year.

(8) When the Regional Director determines that the TAC of any target species or of the "other species" category has been achieved prior to the end of the fishing year, the Secretary will publish a notice in the **Federal Register** requiring that species or the "other species" category to be treated in the same manner as prohibited species, as described in § 675.20(c) of this part, for the remainder of the fishing year.

(9) If the Regional Director determines that directed fishing for groundfish other than the species for which the TAC is achieved, as determined under paragraph (a)(8) of this section, may lead to overfishing of this species, the Secretary will, in the notice required by that paragraph, also limit such directed fishing for other groundfish by any method, including area closures, gear restrictions or prohibition of directed fishing, that will prevent overfishing of the species for which the TAC is achieved.

(10) When making the determinations specified under paragraphs (a)(7), (8) and (9) of this section, the Regional Director will consider allowing continued fishing with certain gear types or in certain areas and times based on findings of:

(i) The risk of biological harm to groundfish for which the TAC will be or has been achieved;

(ii) The risk of socioeconomic harm to authorized users of the groundfish for which the TAC will be or has been achieved; and

(iii) The effect of prohibitions or restrictions authorized under paragraphs (a)(7), (8) and (9) of this section on the socioeconomic well-being of other domestic fisheries.

[FR Doc. 86-23877 Filed 10-20-86; 10:11 am]
BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 51, No. 204
Wednesday, October 22, 1986

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 86-ANE-2]

Airworthiness Directives; Avco Lycoming T5313B Turboshaft Engines.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to adopt a new airworthiness directive (AD) that would require the removal from service of certain turbine disks at lower life limits than originally established. It would also establish life limits requiring removal of certain rotating turbine spacers that had no previous life limitations. The proposed AD is needed to assure timely removal from service of all affected components to prevent uncontained engine failures.

DATE: Comments must be received on or before January 2, 1987.

ADDRESSES: Comments on the proposal may be mailed in duplicate to: Federal Aviation Administration, New England Region, Office of the Regional Counsel, Attention: Rules Docket Number 86-ANE-2, 12 New England Executive Park, Burlington, Massachusetts 01803, or delivered in duplicate to Room 311 at the above address.

Comments delivered must be marked: "Docket Number 86-ANE-2".

Comments may be inspected at the New England Region, Office of the Regional Counsel, Room 311, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Chris Gavriel, Engine Certification Branch, ANE-141, Engine Certification Office, Aircraft Certification Division, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803, telephone (617) 273-7084.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Director before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket, at the address given above, for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 86-ANE-2". The postcard will be date/time stamped and returned to the commenter.

The FAA has determined that the low cycle fatigue (LCF) service life originally established for the gas producer turbine (GPT) disk and for the power turbine (PT) second stage disk, installed on Avco Lycoming T5313B turboshaft engines, must be reduced. The FAA has also determined that the GPT spacer and PT spacer, that originally had no life limitations, must now have a finite LCF service life imposed. These determinations are based on a reanalysis of the affected components' LCF characteristics using improved analytical procedures and reevaluation of fatigue test data. This reanalysis showed a reduction in LCF strength of the affected components requiring a reduction in the current life limitations and imposing a service life limitation on components which were not previously life limited.

Since this condition is likely to exist in other engines of the same type design, the proposed AD would require removal and retirement from service of the affected components upon reaching the new or reduced life limits.

Conclusion

The FAA has determined that this proposed regulation involves approximately 313 engines at an approximate cost of 2.5 million dollars. It has also been determined that less than 11 small entities within the meaning of the Regulatory Flexibility Act will be affected. Therefore, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) if promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT".**

List of Subjects in 14 CFR Part 39.

Engines, Air transportation, Aircraft, and Aviation safety.

The Proposed Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration (FAA) proposes to amend Part 39 of the Federal Aviation Regulations (FAR) as follows:

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421, and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.85.

§ 39.13 [Amended]

2. By adding to § 39.13 the following new airworthiness directive (AD):

Avco Lycoming: Applies to Avco Lycoming T5313B turboshaft engines. Compliance is required as indicated, unless already accomplished.

To prevent an uncontained engine failure, remove gas producer turbine (GPT) and power turbine (PT) disks and spacers from service and replace with serviceable parts in accordance with the following schedule:

(a) GPT disk, Park Number (P/N) 1–100–133–01:

(1) Within the next 250 hours in service (HIS) or 100 cycles in service (CIS) after the effective date of this AD, whichever occurs first, for those disks that have accumulated a total service life in excess of 24,750 HIS or 9,900 CIS since new on the effective date of this AD.

(2) Prior to accumulating 25,000 HIS or 10,000 CIS since new, whichever occurs first, for those disks that have accumulated a total service life equal to or less than 24,750 HIS or 9,900 CIS since new on the effective date of this AD.

(b) PT disk, P/N 1–140–272–01:

(1) Within the next 100 HIS or 50 CIS after the effective date of this AD, whichever occurs first, for those disks that have accumulated a total service life in excess of 9,000 HIS or 4,550 CIS since new on the effective date of this AD.

(2) Prior to accumulating 9,100 HIS or 4,600 CIS since new, whichever occurs first, for those disks that have accumulated a total service life equal to or less than 9,000 HIS or 4,550 CIS since new on the effective date of this AD.

(c) GPT spacer, P/N 1–100–294–03:

(1) Within the next 250 HIS or CIS, after the effective date of this AD, whichever occurs first, for those spacers that have accumulated a total service life in excess of 24,750 HIS or CIS since new on the effective date of this AD.

(2) Within the next 12,500 HIS or CIS, after the effective date of this AD, whichever occurs first, for those spacers on which the total service life is not known on the effective date of this AD.

(3) Prior to accumulating 25,000 HIS or CIS since new, whichever occurs first, for those spacers that have accumulated a total service life equal to or less than 24,750 HIS or CIS since new on the effective date of this AD.

(d) PT spacer, P/N 1–140–169–03:

(1) Within the next 250 HIS or 100 CIS, after the effective date of this AD, whichever occurs first, for those spacers that have accumulated a total service life in excess of 24,750 HIS or 9,900 CIS since new on the effective date of this AD.

(2) At the next PT second stage disk removal, after the effective date of this AD, for those spacers on which the service life is not known on the effective date of this AD.

(3) Prior to accumulating 25,000 HIS or 10,000 CIS since new, whichever occurs first, for those spacers that have accumulated a total service life equal to or less than 24,750 HIS or 9,900 CIS since new on the effective date of this AD.

(e) PT spacer, P/N 1–140–169–04:

(1) Within the next 250 HIS or CIS after the effective date of this AD, whichever occurs first, for those spacers that have accumulated a total service life in excess of 24,750 HIS or CIS since new on the effective date of this AD.

(2) Within the next 12,500 HIS or CIS after the effective date of this AD, whichever occurs first, for those spacers on which the total service life is not known on the effective date of this AD.

(3) Prior to accumulating 25,000 HIS or CIS since new, whichever occurs first, for those spacers that have accumulated a total service life equal to or less than 24,750 HIS or CIS since new on the effective date of this AD.

Note.—Avco Lycoming Service Bulletin Number 0020, Revision 2, dated January 3, 1986, "Rotating Component Service-Life Limit," reflects the new lives specified in this AD, and provides instructions for computing and recording part life.

Aircraft may be ferried in accordance with the provisions of FAR 21.197 and 21.199 to a base where the AD may be accomplished.

Upon request, an equivalent means of compliance with the requirements of this AD may be approved by the Manager, Engine Certification Office, Aircraft Certification Division, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803.

Upon submission of substantiating data by an owner or operator through an FAA maintenance inspector, the Manager, Engine Certification Office, New England Region, may adjust the compliance times specified in this AD.

Issued in Burlington, Massachusetts, on October 10, 1986.

Clyde DeHart, Jr.,

Acting Director, New England Region.

[FR Doc. 86–23793 Filed 10–21–86; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 86–CE–35–AD]

Airworthiness Directives; Wytwornia Sprzetu Komunikacyjnego, PZL-Mielec Model M18 Dromader Airplanes.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This Notice proposes to adopt an new Airworthiness Directive (AD), applicable to Wytwornia Sprzetu Komunikacyjnego, PZL-Mielec Model M18 Dromader airplanes. This proposed AD would require replacement of the safety wire on the engine mount stock absorber nuts and inspection of the tightness of the nuts until improved safety wiring changes are made. This action is proposed as a result of reports of loose engine mount shock absorber nuts. Compliance with the proposed action will prevent loss of integrity at the engine mount attachment structure.

DATE: Comments must be received on or before December 8, 1986.

ADDRESSES: Wytwornia Sprzetu Komunikacyjnego, PZL-Mielec Mandatory Service Bulletin (MSB) No. E/02.082/85 CACA approved September 6, 1985, and Mandatory Bulletin (MB) No. E/02.098/86 CACA approved May 23, 1986, applicable to this AD may be obtained from Wytwornia Sprzetu Komunikacyjnego, PZL-Mielec, 39–301 Mielec Poland or the Rules Docket at the address below. Send comments on the proposal in duplicate to Federal Aviation Administration, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 86–CE–35–AD, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

FOR FURTHER INFORMATION CONTACT: Mr. M. Dearing, Brussels Aircraft Certification Office, AEU–100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, B–1000 Brussels, Belgium; Telephone 513.38.30; or Mr. John P. Dow, Sr., FAA, ACE–109, 601 East 12th Street, Kansas City, Missouri 64106; Telephone 816–374–6932.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons ae invited to participate in the making of the proposed rules by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Director before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. Comments are specifically invited on the overall regulatory, economic, environmental and energy aspects of the proposed rule. All comments submitted will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons. A report summarizing each FAA public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRMs

Any person may obtain a copy of the Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Central Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 86–CE–35–AD, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

Discussion

Several reports of loose nuts (P/N M6400–105) were found on PZL-Mielec Model M18 airplanes operating in the German Democratic Republic. These nuts are attached to the engine mount

shock asborbers. As a result, PZL-Mielec issued MSB No. E/02.082/85 dated September 6, 1985, which requires (a) replacement of the 0.8mm safety wire on the P/N M6400–105 engine mount shock absorber nuts with 1.0 or 1.2mm (0.039 inch to 0.047 inch) safety wire and inspection at each 50 hour time-in-service interval, with retightening and safety wire replacement as necessary and (b) at the next engine frame removal, modification of the frame and P/N M6400–105 engine mount shock absorber nuts to accommodate dual safety wires. Subsequently PZL-Mielec issued MB No. E/02.098/86 CACA approved May 23, 1986, as a supplement to MSB No. E/02.082/85 extending the serial number applicability. The Central Administration of Civial Aviation (CACA) who has responsibility and authority to maintain the continuing airworthiness of these airplanes in Poland has classified PZL-Mielec MSB No. E/02.082/85 dated September 6, 1985, and MB No. E/02.098/86 dated May 23, 1986, and the actions recommended therein by the manufacturer as mandatory to assure the continued airworthiness of the affected airplanes. On airplanes operated under Polish registration, this action has the same effect as an AD on airplanes certified for operation in the United States. The FAA relies upon the certification of the CACA combined with FAA review of pertinent documentation in finding compliance of the design of these airplanes with the applicable airworthiness requirement and the airworthiness conformity of products of this design certificated for operation in the United States. The FAA has examined the available information related to the issuance of PZL-Mielec MSB No. E/02.082/85 dated September 6, 1985, and MB No. E/02.098/86 CACA approved May 23, 1986, and the mandataory classification of these Service Bulletins by CACA. Based on the foregoing, the FAA believes that the matter addressed by PZL-Mielec MSB No. E/02.082/85 dated September 6, 1985, and MB No. E/02.098/86 dated May 23, 1986, is an unsafe condition that may exist on other products of this type design certificated for operation in the United States. Consequently, the proposed AD would require completion of the actions described in the above MSB, i.e., on PZL-Mielec Model M18 airplanes.

The FAA has determined there are approximately 63 airplanes affected by the proposed AD. The cost of complying with the proposed AD is estimated to be $280 per airplane. The total is estimated to be $17,640 to the private sector.

Therefore, I certify that this action (1) is not a major rule under the provisions of Executive Order 12291, (2) is not a significant rule under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) and (3) if promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluaton has been prepared for this action and has been placed in the public docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "ADDRESSES".

List of Subjects in 14 CFR Part 39

Air transportation, Aviation safety, Aircraft, Safety.

The Proposed Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the FAR as follows:

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised, Pub. L. 97–449, January 12, 1983); 14 CFR 11.89.

§ 39–13 [Amended]

2. By adding the following new AD:

Wytwornia Sprzetu Komunikacyjnego, PZL-Mielec: Applies to Model M18 Dromader (Serial Number 1Z001–01 through 1Z014–30, and 1Z016–03) airplanes certificated in any category.

Compliance: Required as indicated after the effective date of this AD, unless already accomplished.

To prevent loosening of the engine mount shock absorber nuts, accomplish the following:

(a) Within the next 100 hours time-in-service (TIS) replace all 0.8mm safety wire on the M6400–105 nuts with 1.0 to 1.2mm (0.039 inch to 0.047 inch) wire as described in paragraph 111.1., PZL-Mielec M18 Mandatory Service Bulletin (MSB) E/02.082/85 dated September 6, 1985.

(b) Within the next 100 hours TIS and at each 100 hours TIS thereafter, visually inspect the Part Number M6400–105 nuts for security. If loose, prior to further flight tighten and secure as described in paragaph 111.2 of the subject MSB.

(c) Within the next 600 hours TIS or the next time the engine frame is removed, whichever occors first, perform the engine frame modification described in paragraph 111.3 of the subject MSB.

(d) The actions in paragraph (b) of this AD may be discontinued after accomplishment of the modification described in paragraph (c) of this AD.

(e) Aircraft may be flown in accordance with Federal Aviation Regulation 21.197 to a location where this AD can be accomplished.

(f) The intervals between the repetitive inspections required by this AD may be adjusted up to 10 percent of the specified interval to allow accomplishment of these inspections concurrent with other scheduled maintenance on the airplane.

(g) An equivalent means of compliance with the AD, if used, must be approved by the Manager, Aircraft Certification Staff, AEU–100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, B–1000 Brussels, Belgium.

All persons affected by this directive may obtain copies of the document(s) referred to herein upon request to Wytwornia Sprzetu Komunikacyjnego, PZL-Mielec, 39–301 Mielec, Poland, or FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on October 9, 1986.

Edwin S. Harris,

Director, Central Region.

[FR Doc. 86–23794 Filed 10–21–86; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 86–AGL–11]

Proposed Alteration of Federal Airways V–219, V–412 and V–456–MN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter Federal Airways V–219, V–412 and V–456. The alternation actions are designed to accommodate an improved flow of traffic by enhancing the traffic metering program in the Minneapolis/St. Paul area.

DATE: Comments must be received on or before December 1, 1986.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA, Great Lakes Region, Attention: Manager, Air Traffic Division, Docket No. 86–AGL–11, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, IL 60018.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, DC.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:
Gene Falsetti, Airspace and Air Traffic Rules Branch (ATO-230), Airpsace-Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-9249.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postrcard on which the following statement is made: "Comments to Airspace Docket No. 86-AGL-11." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Porposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA-230, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-3484. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for futrue NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considreing an amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter Federal Airways V-219, V-412 and V-456. These actions are proposed to enhance the air traffic control metering program in the Minneapolis/St. Paul area. The specific enhancement actions include deletion of that portion of V-219 between Mankato, MN, and Farmington, MN; the rerouting of that portion of V-412 now made up by the Flying Cloud, MN, VOR to the Minneapolis, MN, VOR; and the extension of V-456 from Mankato, MN, to Flying Cloud, MN. These revisions provide an airspace configuration more suitable to the flow and metering of air traffic in the area. Section 71.123 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6B dated January 2, 1986.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routing amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic proceudres and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjets in 14 CFR Part 71

Aviation safety, VOR Federal airways.

The Proposed Amendment

PART 71—[AMENDED]

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

1. The authority citation for Part 71 continues to read as follows:

Authority. 49 U.S.C. 1348(a) , 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 71.123 [Amended]

2. § 71.123 is amended as follows:

V-219 [Amended]

By removing the words "; Farmington, MN"

V-412 [Amended]

By removing the words "Flying Cloud, MN, 270° radials; Flying Cloud" and substituting the words "Minneapolis, MN, 258° T (255° M) radials; Minneapolis"

V-456 [Amended]

By removing the words", to Mankato, MN." and substituting the words "; Mankato, MN; to Flying Cloud, MN."

Issued in Washington, DC, on October 8, 1986

Daniel J. Peterson,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 86-23795 Filed 10-21-86; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Parts 71 and 75

[Airspace Docket No. 86-AGL-3]

Proposed Alteration, Establishment and Revocation of Airways and Jet Routes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the descriptions of ten Federal Airways, add one new airway and revoke Jet route J-113. These changes are necessary because the planned commissioning of the Timmerman, WI, very high frequency onmi-directional radio range and tactical air navigational aid (VORTAC) has been canceled and the proposed decommissioning of Badger, WI, VORTAC has been withdrawn. This action would eliminate alternate airway descriptions in accordance with our International Civil Aviation Organization (ICAO) agreement and realign other airways to improve traffic flows.

DATE: Comments must be received on or before December 1, 1986.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA, Great Lakes Region, Attention: manager, Air Traffic Division, Docket No. 86-AGL-3, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, IL 60018.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief

Counsel, Room 916, 800 Independence Avenue, SW., Washington, DC.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace and Air Traffic Rules Branch (ATO-230), Airspace-Rules and Aeronautical Informaiton Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-9254.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposals. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposals. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 86-AGL-3." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA-230, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-3484. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposals

The FAA is considering amendments to Parts 71 and 75 of the Federal Aviation Regulations (14 CFR Parts 71 and 75) to alter the descriptions of ten VOR Federal Airways, add one new airway and revoke Jet Route J-113. The FAA plan to decommission Badger, WI, VORTAC and to upgrade the Timmerman, WI, TVOR was abandoned in October 1985 because of engineering and technical problems. These actions would make necessary airway changes to complement the use of the Badger VORTAC. Sections 71.123 and 75.100 of Parts 71 and 75 of the Federal Aviation Regulations were republished in Handbook 7400.6B dated January 2, 1986.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Orde 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluations as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Parts 71 and 75

Aviation safety, VOR Federal airways, Jet routes.

The Proposed Amendments

PART 71—[AMENDED]

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Parts 71 and 75 of the Federal Aviation Regulations (14 CFR Parts 71 and 75) as follows:

1. The authority citation for Part 71 continues to read as follows:

Authority. 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 71.123 [Amended]

2. § 71.123 is amended as follows:

V-24 [Revised]

From Aberdeen SD, via Watertown, SD; Redwood Falls, Mn; Rochester, MN; Lone Rock, WI; INT Lone Rock 147°T(143°M) and Janesville, WI, 281°T(278°M) radials; Janesville; INT Janesville 112°T(109°M) and Northbrook, IL, 290°T(288°M) radials; to Northbrook.

V-398 [New]

From Aberdeen, SD, via INT Aberdeen 101°T(094°M) and Watertown, SD, 312°T(303°M) radials; Watertown; Redwood Falls, MN; Rochester, MN; Waukon, IA; to Lone Rock, WI.

V-30 [Amended]

By removing the words "Pullman, including a S alternate via INT Badger 121° and Pullman 282° radials;" and substituting the word "Pullman;"

V-82 [Amended]

By removing the words "Dells, WI; INT Dells 097° and Timmerman, WI, 322° radials; 6 miles wide; Timmerman" and substituting the words "to Dells, WI"

V-191 [Amended]

By removing the words "Northbrook, IL; INT Northbrook 332° and Badger, WI, 182° radials; Badger; " and substituting the words "Northbrook, IL, Badger, WI;"

V-217 [Amended]

By removing the words "From Chicago O'Hare, IL; INT Chicago O'Hare 019° and Badger, WI, 137° radials; INT Chicago Heights, IL, 358° and Milwaukee 121° radials; Badger;" and substituting the words "From Badger, WI;"

V-228 [Amended]

By removing the words "Madison, WI, Janesville, WI; INT Janesville 112° and Northbrook, IL, 290° radials; Northbrook;" and substituting the words "Madison, WI INT Madison 138°T(135°M) and Northbrook, IL, 290°T(288°M) radials; Northbrook;"

V-411 [Amended]

By removing the words "From Rochester, MN," and by substituting the words "From Lone Rock, WI, via Waukon, IA; Rochester, MN; INT"

V-127 [Revised]

From Bradford, IL; Polo, IL; to Rockford, IL.

V-170 [Amended]

By removing the words "Dells, WI; INT Dells 097° and Badger, WI, 307° radials;" and substituting the words "Dells, WI; INT Dells 097°T(094°M) and Badger, WI, 304°T(302°M) radials;"

V–420 [Revised]

From Bradford, IL, via INT Bradford 033°T(029°M) and Polo, IL, 088°T(085°M) radials; INT Polo 088°T(085°M) and DuPage, IL, 320°T(318°M) radials. From INT Chicago O'Hare, IL, 316°T(314°M) and Northbrook, IL, 290°T(288°M) radials; INT Chicago O'Hare 316°T(314°M) and Badger, WI, 193°T(191°M) radials; badger; Green Bay, WI; traverse City, MI; Gaylord, MI; to Alpena, MI.

PART 75—[AMENDED]

3. The authority citation for Part 75 continues to read as follows:

Authority. 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983), 14 CFR 11.69.

§ 75.100 [Amended]

4. § 75.100 is amended as follows:

J–113 [Revoked]

Issued in Washington, DC, on October 8, 1986.

Daniel J. Peterson,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 86–23796 Filed 10–21–86; 8:45 am]

BILLING CODE 4910–13–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 51 and 52

[AH–FRL–3097–3, Docket No. A–80–46]

Requirements for Preparation, Adoption, and Submittal of Implementation Plans

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; extension of comment period.

SUMMARY: This notice extends the time period in which to file comments in response to the Supplemental Notice of Proposed Rulemaking in Central Docket No. A–80–46 (9/9/86, 51 FR 32180) concerning the proposed inclusion of four air quality models into the "Guideline on Air Quality Models (Revised)," EPA 450/2–78–027R. On September 29, Hunton and Williams on behalf of the Utility Air Regulatory Group requested that the comment period be extended in order to provide more time to evaluate and test the proposed ISC modifications. On October 1, the Natural Resources Defense Council requested that the comment period be extended in order to provide more time to examine and review the documents submitted to the Docket concerning the ISC and RTDM models. Other potential commenters have also expressed an interest in additional time to comment. As a result, as noted below, the public comment period has been extended to December 9, 1986.

DATE: Comments may now be filed on or before December 9, 1986.

ADDRESS: Written comments should continue to be submitted to: Central Docket Section (LE–131), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20406, Attention: Docket A–80–46.

FOR FURTHER INFORMATION CONTACT: Joseph A.Tikvart, Chief, Source Receptor Analysis Branch, Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, NC 27711; telephone (919) 541–5561 or Jawad S. Touma, telephone (919) 541–5681.

SUPPLEMENTARY INFORMATION: The following item was included in the Docket but reference to it was inadvertently omitted from the original proposal. On page 32180, column 3, at the end of the 2nd full paragraph add: Docket Item IV–I–21, User's Guide to the Rough Terrain Diffusion Model (RTDM), (Rev. 3.10), September 1985.

Dated: October 10, 1986.

Don R. Clay,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 86–23634 Filed 10–21–86; 8:45 am]

BILLING CODE 6560–50–M

40 CFR Part 52

[A–3–FRL–3097–4; EPA Docket No. AM044 PA]

Proposed Approval of Revisions, to the Pennsylvania State Implementation Plan

AGENCY: U.S. Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve a request from the Commonwealth of Pennsylvania to revise the Pennsylvania State Implementation Plan (SIP) with respect to volatile organic compound (VOC) emissions offset transactions in Bucks County, PA. The proposed revision implements two offset transactions between Paramount Packaging Corporation (Chalfont Borough, Bucks County) and National Can Corporation (Falls Township, Bucks County) and between Fres-co Systems USA, Inc. (Telford Borough, Bucks County) and National Can Corporation. These offset transactions are being implemented through external orders issued by the Pennsylvania Department of Environmental Resources to the national Can Corporation to maintain the offsets.

DATE: Comments must be submitted on or before November 21, 1986.

ADDRESSES:

All comments on the proposed revision submitted within 30 days of publication of this Notice will be considered and should be directed to Mr. Joseph Kunz, Chief, PA/WV Section at the EPA, Region III address below, EPA Docket No. AM044 PA.

Copies of the propsed SIP revision and the accompanying support documents are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, Air Management Division, 841 Chestnut Building, Philadelphia, PA 19107, Attn: Donna Abrams

Commonwealth of Pennsylvania, Department of Environmental Resources, Bureau of Air Quality Control, 200 North 3rd Street, Harrisburg, PA 17120, Attn: Gary Triplett.

FOR FURTHER INFORMATION CONTACT: Ms. Donna Abrams, at the Region III address stated above or telephone (215) 597–9134.

SUPPLEMENTARY INFORMATION: The Department of Envrionmental Resources (the Department) adopted Subchapter C of Chapter 127 of the Pennsylvania Air Resource Regulations in 1979 in response to requirements of the Clean Air Act. Subchapter C establishes special permit requirements for sources locating in or significantly impacting nonattainment areas. In part, Subchapter C requires new sources to obtain emission reductions (offsets) to alleviate the ambient impact of the new source. These offsets may be created internally (within the same faciltiy as the new source) or externally (at a different facility). .

National Can Coproation discoutinued their coater and litho operations on December 1, 1981, leaving an emission credit of 215 tons per year (TPY) of VOC. In accordance with previously approved regulations, these emissions were applied to new source(s) application at a ratio of 1.3 to 1. Also, on September 2, 1983, Natonal Can Corporation discontinued their end seam compound liner operations leaving an emission credit of 162 TPY of VOC. These emissions were also applied to a new source(s) application at a ratio of 1.3 to 1. Therefore, for these discontinued operations the VOC credits are:

$$\text{(a) Coater and Litho} - \frac{215}{1.3} = 165 \text{ TPY of VOC}$$

$$\text{(b) End Seam Compound Liner} - \frac{162}{1.3} = 125 \text{ TPY of VOC}$$

The Company had a total of 290 TPY of VOC emission credit that was available to bank or sell.

On October 18, 1983, National Can Corporation submitted an application to the Department to bank the VOC emissions generated by the shutdown of their end seam compound liner operations at its Morrisville Plant (Falls Township, Bucks County). On January 25, 1984, the Department approved National Can Corporation's banking application for 125 tons VOC per year. National Can Corporation could use these emission credits themselves or sell them to someone else.

On April 13, 1984, National Can Corporation advised the Department that it sold 46 tons per year credit to Paramount Packaging Corporation. On June 12, 1984, National Can Corporation notified the Department that it had transferred 85 tons per year of emission credit to Fres-co Systems USA, Inc. The total emission credit transferred by National Can Corporation was 131 tons per year. The quantity available was 125 tons per year. Therefore, the sales of emission credits were 6 tons per year greater than that available for sale. EPA has required that National Can Corporation account for the above oversale.

In a letter dated August 21, 1985, the Department has agreed to account for the 6 TPY oversale by permanently reducing National Can's banked VOC emissions, generated by the shutdown of the coater and litho operations, from 165 TPY to 159 TPY.

On September 13, 1982, National Can petitioned the Department to bank the VOC credit from the shutdown of the coater and litho operations for future use at their Lehigh Valley facility. On October 29, 1982, the Department informed National Can that the banked VOC emission credit could only be used at their Fairless Hills plant or at a location within forty (40) miles door to door of the Fairless Hills Plant. Therefore, the emissions from their Fairless Hills plant could not be used to offset emissions at their Lehigh Valley facility.

Subsequently, in September 1983, National Can again petitioned the Department to bank the credit from the shutdown of the Coater and litho operations. This time National Can petitioned that this credit be banked for future sale to another company in the area. According to the Pennsylvania SIP, if National Can discontinued this line in 1981 they only had one year (until December 1982) to let the Department know if they were going to use this credit. The banking of this credit is therefore in variation with the Pennsylvania regulations. Additionally, the Pennsylvania regulations require that the source let the Department know within one year how the credit would be used. Because the application for the banking of this credit did not include a construction schedule for the Fairness Hills facility or a new or modified source by December 1, 1982, and six (6) tons per year of VOC credit was used from this bank as a result of National Can's oversale to Fresco, this is also a variation from the above mentioned regulations.

In a letter dated April 9, 1986, EPA notified the Department that we would process this package, but, in the future, we would not process any offset transaction which varies from the regulations, no matter how minor the varation may be.

The Pennsylvania Federally approved SIP requires that emissions resulting from the new source not cause or contribute to emission levels which exceed the levels allowed for that pollutant in that area. The EPA has interpreted this to require that: (1) Emission offsets are greater than the emissions form the new source and, (2) that the emission offsets be permanent. The Department has required the offsets to be used at a ratio of 1.3 to 1 which satisfies the first requirement. The Department must now establish that the emission offsets are permanent.

The National Can Corporation generated the offset credit through the closing of the end seam compound liner operations. For the emission reduction used as offsets to be permanent, National Can Corporation may not restart the source. The Department has ensured the permanence of these emission reductions by issuing external orders that require the National Can Corporation to maintain the shutdown status of this source. Two orders were issued on March 1, 1985, because of the two separate transactions.

It is important to note that according to the currently approved Pennsylvania SIP, National Can Corporation may restart the source used to generate the emission credits if National Can secured emission offset credits equal to what it sold to Paramount and Fres-co. Section 127.73 of the Pennsylvania Air Resource Regulations establishes the requirements for this reactivation. In accordance with requirements, National Can Corp. would be required to obtain offsets for its reactivated source at a ratio of 1.3 to 1. This will guarantee that the overall emission levels do not increase in the nonattainment area.

On February 13, 1985, the Commonwealth of Pennsylvania submitted the above offset transactions as a SIP revision to EPA for review and approval. The SIP revision is composed of a narrative portion, two external orders for each offset transaction dated March 1, 1985, and, a supplemental letter submitted by the Department dated August 21, 1985, specifying that National Can's banked VOC emissions will permanently be reduced by 6 TPY to account for the oversale. The Department provided adequate notice of this SIP revision and held a public hearing on January 14, 1985. The public comment period closed on January 31, 1985, and, the proposal was not changed as a result of the public comments.

Although these offset transactions have minor variations from the regulations as mentioned above, EPA's decision to propose approval of this revision is based on a determination that even though this transaction varies slightly from the State offset requirements, EPA has determined that this variation is insignificant. Therefore, the revision adequately meets the requirements of the federally approved State regulations. The Department under previously approved regulations that require banking at a 1.3 to 1 ratio, is able to assure that the offsets are greater than the emissions from the new source. This revision addresses the permanency and federal enforceability of the National Can offsets. The Orders issued on March 1, 1985, require that the end seam compound liner remain permanently closed and the letter dated August 21, 1985, from the Department,

permanently reduces National Can's banked emissions by 6 TPY.

Additionally, EPA is proposing approval of the revision based on a determination that the revision meets the requirements of section 110(a)(2) of the Clean Air Act.

Interested parties are invited to submit comments on this action. EPA will consider comments received within 30 days of publication of this notice.

Under 5 U.S.C. 605(b), I certify that this SIP revision will not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709).

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Hydrocarbons, Intergovernmental relations, Reporting and recordkeeping requirements.

(42 U.S.C. 7401–7642)

Dated: March 28, 1986.

Alvin R. Morris,

Acting Regional Administrator.

[FR Doc. 86–23633 Filed 10–21–86; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Part 261

[SW–FRL–3097–8]

Identification and Listing of Hazardous Waste; Proposed Denials of Exclusion Petitions

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule and request for comment.

SUMMARY: The Environmental Protection Agency (EPA) today is proposing to deny the petitions submitted by seven petitioners to exclude their solid wastes from the lists of hazardous wastes contained in 40 CFR 261.31 and 261.32. This action responds to delisting petitions submitted under 40 CFR 260.20, which allows any person to petition the Administrator to modify or revoke any provision of Parts 260 through 265, 124, 270, and 271 of Title 40 of the Code of Federal Regulations, and 40 CFR 260.22, which specifically provides generators the opportunity to petition the Administrator to exclude a waste on a "generator-specific basis" from the hazardous waste list. The effect of this action, if promulgated, would be to deny certain wastes generated at seven particular facilities from listing as hazardous wastes under 40 CFR Part 261, and revoke the temporary exclusions of certain wastes generated at these seven facilities. Thus, the petitioned waste at the seven facilities being denied exclusions would then be considered hazardous.

The Agency has previously evaluated all seven of these petitions which are discussed in today's notice. Based on our review at that time, these petitioners were all granted temporary exclusions. Due to changes to the delisting criteria required by the Hazardous and Solid Waste Amendments of 1984, however, these petitions, have been evaluated both for the factors for which the wastes were originally listed, as well as other factors which reasonably could cause the wastes to be hazardous.

DATES: EPA will accept public comments on the proposed exclusions and denials until October 29, 1986. Comments postmarked after the close of the comment period will be stamped "late".

Any person may request a hearing on these proposed decisions by filing a request with Bruce Weddle, whose address appears below, by October 29, 1986. The request must contain the information prescribed in 40 CFR 260.20(d).

ADDRESSES: Send three copies of your comments to EPA. Two copies should be sent to the Docket Clerk, Office of Solid Waste (WH–562), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC, 20460. A third copy should be sent to Jim Kent, Variances Section, Assistance Branch, PSP/OSW (WH–563), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. Identify your comments at the top with this regulatory docket number: "F–86–CHDP–FFFFF".

Requests for a hearing should be addressed to Bruce Weddle, Director, Permits and State Programs Division, Office of Solid Waste (WH–563), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

The RCRA regulatory docket for this proposed rule is located at U.S. Environmental Protection Agency, 401 M Street SW. (subbasement), Washington, DC 20460, and is available for viewing from 9:30 a.m. to 3:30 p.m., Monday through Friday, excluding Federal holidays. Call Mia Zmud at (202) 475–9327 or Kate Blow at (202) 382–4675 for appointments. The public may copy a maximum of 50 pages of material from any one regulatory docket at no cost. Additional copies cost $.20 per page.

FOR FURTHER INFORMATION CONTACT: RCRA Hotline, toll free at (800) 424–9346, or at (202) 382–3000. For technical information, contact Lori DeRose, Office of Solid Waste (WH–562B), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, (202) 382–5096.

SUPPLEMENTARY INFORMATION:

Background

On January 16, 1981, as part of its final and interim final regulations implementing Section 3001 of RCRA, EPA published an amended list of hazardous wastes from non-specific and specific sources. This list has been amended several times, and is published in 40 CFR 261.31 and 261.32. These wastes are listed as hazardous because they typically and frequently exhibit any of the characteristics of hazardous wastes identified in Subpart C of Part 261 (i.e., ignitability, corrosivity, reactivity, and extraction procedure [EP] toxicity) or meet the criteria for listing contained in 40 CFR 261.11 (a)(2) or (a)(3).

Individual waste streams may vary, however, depending on raw materials, industrial processes, and other factors. Thus, while a waste that is described in these regulations generally is hazardous, a specific waste from an individual facility meeting the listing description may not be. For this reason, 40 CFR 260.20 and 260.22 provide an exclusion procedure, allowing persons to demonstrate that a specific waste from a particular generating facility should not be regulated as a hazardous waste.

To be excluded, petitioners must show that a waste generated at their facility does not meet any of the criteria under which the waste was listed. (See 40 CFR 260.22(a) and the background documents for the listed wastes.) In addition, the Hazardous and Solid Waste Amendments of 1984 (HSWA) require the Agency to consider factors (including additional constituents) other than those for which the waste was listed, if there is a reasonable basis to believe that such additional factors could cause the waste to be hazardous. Accordingly, a petitioner also must demonstrate that the waste does not exhibit any of the hazardous waste characteristics, as well as present sufficient information for the Agency to determine whether the waste contains any other toxicants at hazardous levels. (See 40 CFR 260.22(a); section 222 of the Hazardous and Solid Waste Amendments of 1984, 42 U.S.C. 6921(f); and the background documents for the listed wastes.) Although wastes which are "delisted" (*i.e.*, excluded) have been evaluated to determine whether or not they exhibit any of the characteristics of a hazardous waste, generators remain obligated to determine whether their

waste remains non-hazardous based on the hazardous waste characteristics.

In addition to wastes listed as hazardous in 40 CFR 261.31 and 261.32, residues from the treatment, storage, or disposal of listed hazardous wastes also are eligible for exclusion and remain hazardous wastes until excluded. (See 40 CFR 261.3 (c) and (d)(2).) Again, the substantive standard for "delisting" is: (1) that the waste not meet any of the criteria for which it was listed originally; and (2) that the waste is not hazardous after considering factors (including additional constituents) other than those for which the waste was listed, if there is a reasonable basis to believe that such additional factors could cause the waste to be hazardous. Where the waste is derived from one or more listed hazardous waste, the demonstration may be made with respect to each constituent or the waste mixture as a whole. (See 40 CFR 260.22(b).) Generators of these excluded treatment, storage, or disposal residues remain obligated to determine on a periodic basis whether these residues exhibit any of the hazardous waste characteristics.

Approach Used To Evaluate Delisting Petitions

The Agency first will evaluate the petition to determine whether the waste (for which the petition was submitted) is non-hazardous based on the criteria for which the waste was originally listed. If the Agency believes that the waste is still hazardous (based on the original listing criteria), it will propose to deny the petition. If, however, the Agency agrees with the petitioner that the waste is non-hazardous with respect to the criteria for which the waste was listed, it then will evaluate the waste with respect to other factors or criteria, if there is a reasonable basis to believe that such additional factors could cause the waste to be hazardous.

The Agency is using a hierarchical approach in evaluating petitions for the other factors or contaminants (i.e;, those listed in Appendix VIII of Part 261). This approach may, in some cases, eliminate the need for additional testing. The petitioner can choose to submit a raw materials list and process descriptions. The Agency will evaluate this information to determine whether any Appendix VIII hazardous constituents are used or formed in the manufacturing and treatment process and are likely to be present in the waste at significant levels. If so, the Agency then will request that the petitioner perform additional analytical testing. If the petitioner disagrees, he may present arguments on why the toxicants would not be present in the waste, or, if present, why they would pose no toxicological hazard. The reasoning may include descriptions of closed or segregated systems, or mass balance arguments relating volume of raw materials used to the rate of waste generation. If the Agency finds that the arguments presented by the petitioner are not sufficient to eliminate the reasonable likelihood of the toxicant's presence in the waste, the petition would be tentatively denied on the basis of insufficient information. The petitioner then may choose to submit the additional analytical data on representative samples of the waste during the public comment period.

Rather than submitting a raw materials list, petitioners may test their waste for any additional toxic constituents that may be present and submit this data to the Agency. In this case, the petitioner should submit an explanation of why any constituents from Appendix VIII of Part 261, for which no testing was done, would not be present in the waste or, if present, why they would not pose a toxicological hazard.

In making a delisting determination, the Agency evaluates each petitioned waste against the listing criteria and factors cited in 40 CFR 261.11 (a)(2) and (a)(3). Specifically, the Agency considers whether the waste is acutely toxic, as well as the toxicity of the constituents, the concentration of the constituents in the waste, their tendency to migrate and bioaccumulate, their persistence in the environment once released from the waste, plausible types of management of the waste, and the quantities of waste generated. In this regard, the Agency has developed an analytical approach to the evaluation of wastes that are landfilled and land treated. See 50 FR 7882 (February 26, 1985), 50 FR 48886 (November 27, 1985), and 50 FR 48943 (November 27, 1985). The overall approach, which includes a ground water transport model, is used to predict reasonable worst-case contaminant levels in ground water in nearby hypothetical receptor wells—"compliance points" (i.e., the model estimates the ability of an aquifer to dilute the toxicant from a specific volume of waste). The land treatment model also has an air component and predicts the concentration of specific toxicants at some distance downwind of the facility. The compliance point concentration determined by the model then is compared directly to a level of regulatory concern. If the value at the compliance point predicted by the model is less than the level of regulatory concern, then the waste could be considered non-hazardous and a candidate for delisting. If the value at the compliance point is above this level, however, then the waste probably still will be considered hazardous, and not excluded from Subtitle C control.[1]

This approach evaluates the petitioned wastes by assuming reasonable worst-case land disposal scenarios. This approach has resulted in the development of a sliding regulatory scale which suggests that a large volume of waste exhibiting a particular extract level would be considered hazardous, while a smaller volume of the same waste could be considered non-hazardous.[2] The Agency believes this to be a reasonable outcome since a larger quantity of the waste (and the toxicants in the waste) might not be diluted sufficiently to result in compliance point concentrations that are less than the level of regulatory concern. The selected approach predicts that the larger the waste volume, the higher the level of toxicants at the compliance point. The mathematical relationship (with respect to ground water) yields at least a six-fold dilution of the toxicant concentration initially entering the aquifer (i.e., any waste exhibiting extract levels equal to or less than six times a level of regulatory concern will generate a toxicant concentration at the compliance point equal to or less than the level of regulatory concern). Depending on the volume of waste, an additional five-fold dilution may be imparted, resulting in a total dilution of up to thirty-two times.

The Agency is using this approach as one factor in determining the potential impact of the unregulated disposal of petitioned waste on human health and the environment. The Agency has used this approach in evaluating each of the wastes discussed in today's publication. As a result of this evaluation, the Agency is tentatively denying exclusions for the wastes from seven petitioners.

It should be noted that EPA has not verified the submitted test data before proposing to grant these exclusions. The sworn affidavits submitted with each petition bind the petitioners to present truthful and accurate results. The

[1] The Agency proposed a similar approach, including a ground water transport model, as part of the proposed toxicity characteristic (see 51 FR 21648, June 13, 1986). The Agency, has not completed its evaluation of the comments on this proposal, however. If a regulation is promulgated, using the ground water transport model, the Agency will consider revising the delisting analysis.

[2] Other factors may result in the denial of a petition, such as actual ground water monitoring data or spot check verification data.

Agency, however, has initiated a spot sampling and analysis program to verify the representative nature of the data for some percentage of the submitted petitions before final exclusions will be granted.

Finally, before the Hazardous and Solid Waste Amendments of 1984 were enacted, the Agency granted temporary exclusions without first requesting public comment. The Amendments specifically require the Agency to provide notice and an opportunity for comment before granting an exclusion. All seven of the denials proposed today will not become effective unless and until made final. A notice of final denial will not be published until all public comments (including those that requested hearings, if any) are addressed.

Petitioners

The proposed denials published today are for the following petitioners:

Chevron, U.S.A., Port Arthur, Texas;
E.I. Du Pont de Nemours & Co., Beaumont Works, Beaumont, Texas;
Ford Motor Co., Lima, Ohio;
General Motors Corp., Truck and Coach Div., Pontiac, Michigan;
McLouth Steel Corp., Trenton, Michigan;
Olin Corp., St. Marks, Florida;
Welsh Co. of the South, Union Springs, Alabama.

I. Chevron, U.S.A.

A. Petition for Exclusion

Chevron, U.S.A. (Chevron), operates a petroleum refinery at its plant in Port Arthur, Texas. Chevron has petitioned the Agency to exclude its wastewater treatment sludges, presently listed as EPA Hazardous Waste No. K048—Dissolved air flotation (DAF) float from the petroleum refining industry, and EPA Hazardous Waste No. K051—API separator sludge from the petroleum refining industry. The listed constituents of concern for these wastes are hexavalent chromium and lead. Chevron has petitioned the Agency to exclude its waste because it does not meet the critetia for which it is listed.

Based on the Agency's review of the petition, Chevron was granted a temporary exclusion on February 12, 1983. The basis for granting the temporary exclusion (at that time) was the low concentrations of the constituents of concern (hexavalent chromium and lead) in the waste. Since that time, the Hazardous and Solid Waste Amendments (HSWA) of 1984 were enacted. In part, the Amendments require the Agency to consider factors (including additional constituents) other than those for which the waste was listed, if the Agency has a reasonable basis to believe that such additional factors could cause the waste to be hazardous. (See section 222 of the Amendments, 42 U.S.C. 6921(f).) As a result, the Agency has reevaluated Chevron's petition to: (1) Determine whether the temporary exclusion should be made final based on the factors for which the waste was originally listed; and (2) evaluate the waste for factors (other than those for which the waste was originally listed) to determine whether the waste is non-hazardous. Today's notice is the result of the Agency's re-evaluation of Chevron's petition.

In support of their petition, Chevron has provided a detailed description of its manufacturing and treatment process, including a schematic diagram; total constituent analyses and EP toxicity analyses of the wastewater treatment sludges for arsenic, barium, cadmium, chromium, lead, mercury, selenium, and silver. Chevron also submitted results of oil and grease analysis and made determinations of ignitability, corrosivity, and reactivity. Due to the HSWA, the Agency also requested additional information from Chevron on January 6, 1984; March 6, 1984; November 26, 1984; and September 18, 1985. All four requests sought information on Appendix VIII hazardous organic constituents suspected of being present at levels of regulatory concern in petroleum refinery wastes. Although Chevron notified EPA on February 17, 1984 that it would submit these data as soon as the test results became available, to date none of this additional information has been received by EPA. (See public docket for additional information requested, and the basis for requesting this additional information.)

Chevron's refinery is a fully integrated oil refining facility with a capacity to refine 342,000 barrels of crude oil per stream day. The wastewater of concern is the process wastewater system, which collects sanitary sewage and process wastewater in sumps and pumps it to the wastewater treatment plant. The wastewater initially flows through an API separator, where oils are skimmed from the surface and sent to a waste oil recovery unit; heavy solids sink to the bottom where they are collected and pumped to an accumulator settling tank. The overflow from this tank is pumped to waste oil recovery and the accumulated solids are defined as EPA Hazardous Waste No. K051, an oily, black and brown viscous liquid with suspended liquids and solids.

The liquid portion of the process wastewater enters the DAF unit, where settleable solids are removed via the addition of polymers and bubbling of dissolved air. The floating solids are skimmed and recycled to the API separator. These solids are defined as EPA Hazardous Waste No. K048, an oily black liquid with suspended liquids and solids.

Samples of both the API separator sludge and the DAF float were collected over a 2½ week period and composited into three samples of each waste. EP toxicity analyses for the EP toxic metals were performed on these six samples. For the fourth EP toxicity sample, grab samples of both API separator sludge and DAF float were taken each day for 4 days and composited into one sample for each unit. These grab samples were taken several months prior to the other three samples. For total constituent analyses of the EP toxic metals, two composites of each waste were tested. In addition, nine of the grab samples of DAF float that were used to form composite samples and seven of the grab samples of API separator sludge that were used to form composite samples were tested for total chromium and lead. Chevron claims the continuity of the manufacturing process, the uniformity of raw materials used, and the uniformity of any resulting toxicant concentrations in the waste support their contention that their samples are representative.

Maximum concentrations of total constituent analyses and maximum EP leachate values for the API separator sludge for metals are reported in Table 1.

TABLE 1.—MAXIMUM CONCENTRATIONS—API SEPARATOR SLUDGE

Metals	Total constituent analyses (mg/kg)	EP leachate values (mg/l)
Arsenic	<3.0	0.017
Barium	412	2.0
Cadmium	<0.25	<0.01
Chromium (total)	3,679	.64
Lead	173	.03
Mercury	3	.001
Nickel		.2
Selenium	12	.06
Silver	<0.3	<0.05

<: Denotes concentrations below the detection limit.

Maximum concentrations of total constituent analyses and maximum EP leachate values for the DAF float for metals are given in Table 2.

Table 2.—Maximum Concentrations—DAF Float

Metals	Total constituent analyses (mg/kg)	EP leachate values (mg/l)
Arsenic	<3.0	0.03
Barium	349	1.7
Cadmium	<0.25	<0.01
Chromium (total)	3,435	1.8
Lead	[1]80	.06
Mercury	2	.003
Nickel		.11
Selenium	6	.03
Silver	<0.3	.9

<: Denotes concentrations below the detection limit.
[1] The total lead concentration for one sample out of 11 was 450 ppm. The concentrations of the other samples were less than 80 ppm. The Agency believes that the maximum value for lead is an outlier and does not reflect the typical concentration in Chevron's waste. The Agency's conclusion is supported by the Dixon Extreme Value Test. The Agency, therefore, believes that a lead level of 80 ppm more accurately reflects the concentration of this constituent.

Chevron claims that the API separator sludge is generated at an average rate of 3,303 tons per year, and that the DAF float is generated at an average rate of 511 tons per year. The maximum oil and grease level reported for the API separator sludge was 7.25 percent, while the maximum level for the DAF float was 14.95 percent.

B. Agency Analysis and Action

Chevron has not demonstrated that its wastewater treatment sludges are non-hazardous. The Agency believes that Chevron has submitted sufficient information to determine whether the samples collected adequately characterize any variations that may occur in the petitioned waste streams. The process generating these wastes is a continuous refining process line, both the production and treatment processes are consistent over time, and the facility does not act as a job shop or have seasonal product changes. Under these assumptions, the waste is expected to be uniform from week to week and month to month and sludge samples are representative of the wastes as disposed. The Agency believes, therefore, that the samples which were taken over a period of 6 months are representative of the waste generated by Chevron. Chevron, however, has not provided information regarding additional Appendix VIII hazardous constituents that may appear in the waste due to the variations in crude oil used in the refining process. The Agency is not convinced, therefore, that additional constituents that may cause the waste to be hazardous are not present.

In addition, the Agency has evaluated the mobility of the inorganic constituents from Chevron's wastes using the vertical and horizontal spread (VHS) model.[3] The Agency's evaluation of Chevron's average annual waste generation rates of 3,303 tons and 511 tons of API separator sludge and DAF float, respectively, and maximum EP extract levels for the waste has produced the compliance point concentrations shown in Table 3.[4] It must be noted, however, that these data could not be used in support of an Agency proposal to grant an exclusion because the Oily Waste EP (OWEP) Toxicity Test was not used.[5] In addition, maximum annual waste generation rates were not provided, and only three samples were analyzed for total constituents. The minimum number of required samples is four. Cyanide data also were not provided.

Table 3.—VHS Model: Calculated Compliance Point Concentrations (ppm)

Constituents	Compliance point concentrations		Regulatory standards
	API separator sludge	DAF float	
Arsenic	0.0025	0.001	0.05
Barium	.290	.057	1.0
Cadmium	.001	.0003	0.01
Chromium (total)	[1].093	[1].06	.05
Lead	.004	.002	.05
Mercury	.0001	.0001	.002
Selenium	.009	.001	.01
Silver	.007	.030	.05

[1] Exceeds regulatory standard.

The sludges exhibit arsenic, barium, lead, mercury, selenium, and silver levels below their respective National Interim Primary Drinking Water Standard. The sludges, however, exhibit total chromium values (at the compliance point) in excess of the National Interim Primary Drinking Water Standards. This constituent is, therefore, of regulatory concern.

Finally, since Chevron did not respond to the Agency's requests for additional information required by HSWA (*e.g.*, January 6, 1984; March 6, 1984; November 26, 1984; and September 18, 1985), the Agency also is proposing to deny this petition on the grounds that it is incomplete (*i.e.*, the Agency could not evaluate Chevron's waste to determine whether or not any other toxicants were present in the waste at levels of regulatory concern).

The Agency believes that the wastes generated by the manufacturing processes at Chevron U.S.A.'s petroleum refinery in Port Arthur, Texas are not rendered non-hazardous by the wastewater treatment facility. The analysis of the sludge using the VHS model indicates the potential of the sludge to leach chromium and contaminate the ground water at levels of regulatory concern. The Agency, therefore, proposes to deny Chevron U.S.A.'s petition for its wastewater treatment sludges generated at its Port Arthur, Texas facility. The Agency also proposes to deny this petition as incomplete.[6]

II. E.I. Du Pont de Nemours & Company

A. Petition for Exclusion

E.I. Du Pont de Nemours & Company, Beaumont Works, (Du Pont) located in Beaumont, Texas, is involved in the manufacture of nitrobenzene and aniline, as well as other chemicals. Du Pont has petitioned the Agency to exclude its wastewaters presently listed as EPA Hazardous Waste No. K103—Process residues from aniline extraction from the production of aniline, and EPA Hazardous Waste No. K104—Combined wastewater streams generated from nitrobenzene/aniline production. The listed constituents of concern for EPA Hazardous Waste No. K103 are aniline, nitrobenzene, and phenylenediamine. The listed constituents of concern for EPA Hazardous Waste No. K104 are aniline, benzene, diphenylamine, nitrobenzene, and phenylenediamine.

Based on the Agency's review of the petition, Du Pont was granted a temporary exclusion on November 22, 1982 (see 47 FR 52680) pending a final decision concerning these wastes. The Agency's basis for granting the temporary exclusion (at that time) was the low concentrations and the low migration potential of the constituents of concern in the waste. Since that time, the Hazardous and Solid Waste Amendments of 1984 were enacted. In

[3] See 50 FR 7882, Appendix I, February 26, 1985, for a detailed explanation of the development of the VHS model for use in the delisting program. See also the final version of the VHS model, 50 FR 48896, Appendix, November 27, 1985.

[4] The Agency typically uses maximum annual waste generation rates in the VHS model, but since Chevron did not provide maximum rates, the Agency used average annual generation rates.

[5] The Agency requests the use of the OWEP whenever oil and grease levels exceed 1 percent. Chevron's API separator sludge contains up to 7.25 percent oil and grease, and their DAF float contains up to 14.95 percent oil and grease. In general, OWEP results are higher than EP results, due to the removal of the oil layer surrounding particles. This oil layer often masks metal detection in the EP test. The Agency, therefore, believes that the VHS model evaluation (using EP data) is valid and can be used to support the denial decision for this petition.

[6] On September 18, 1985, Chevron was notified that they must submit additional information by November 15, 1985 or the Agency would propose to deny their petition. On November 4, 1985, Chevron requested an extension of the November 15, 1985 deadline for additional information until January 31, 1986. The Agency sent a letter to Chevron on November 18, 1985 granting that extension. The Agency, to date, has not received any of this information.

part, the Amendments require the Agency to consider factors (including additional constituents) other than those for which the waste was listed, if the Agency has a reasonable basis to believe that such additional factors could cause the waste to be hazardous. (See section 222 of the Amendments, 42 U.S.C. 6921(f).) As a result, the Agency has re-evaluated Du Pont's petition to: (1) Determine whether the temporary exclusion should be made final based on the factors for which the waste was originally listed; and (2) determine whether the waste is non-hazardous with respect to factors and toxicants other than those for which the waste was originally listed. Today's notice is the result of the Agency's re-evaluation of Du Pont's petition.

In support of their petition, Du Pont submitted a detailed description of its nitrobenzene/aniline manufacturing process, carbon adsorption pre-treatment unit, and wastewater treatment facility, including schematic diagrams. Du Pont also submitted lists of raw materials from the manufacturing processes that could enter the wastewater treatment facility; results from total constituent analyses for all suspected Appendix VIII hazardous constituents in the wastewater; results from analyses for other Appendix VIII hazardous constituents that might enter the treatment facility from other manufacturing processes; and EP toxicity test results for the EP toxic metals and nickel. Du Pont further submitted results of total oil and grease analyses on representative waste samples. As noted above, the Agency requested much of this information to determine whether toxicants, other than those for which the waste was originally listed, are present in the wastes at levels of regulatory concern.

Du Pont produces aniline by the catalyzed liquid-phase reduction of nitrobenzene using hydrogen. Nitrobenzene is produced by the nitration of benzene in a mixture of sulfuric acid and nitric acid. The nitrobenzene produced in the nitration step is separated from the waste acid, washed and neutralized to remove impurities, distilled to reduce the benzene and water content, and finally fed into the aniline reactor. The crude aniline formed is separated from the aqueous product stream and processed through a distillation system to produce the purified aniline.

The aqueous aniline stream, combined with process water from the distillation operation, is treated by liquid-liquid extraction with the crude nitrobenzene stream to recover dissolved aniline. The aniline-enriched nitrobenzene then is fed to the aniline reactor. The waste stream from the liquid-liquid extraction unit (EPA Hazardous Waste No. K103) is combined with the wastewater from the nitrobenzene washing step and the waste acid to form EPA Hazardous Waste No. K104. These two combined waste streams (referred to for the remainder of this notice as K104) are then steam distilled. The steam distillation overheads are recycled back into the process. The bottoms from steam distillation (K104) are treated in the plant's National Pollution Discharge Elimination System (NPDES) wastewater treatment system, which includes a two-bed activated carbon adsorption unit followed by polishing in a 37-acre polishing lagoon. The treated wastewater is discharged from the polishing lagoon through an NPDES outfall into the Neches River. (The bottoms from final distillation of aniline listed as EPA Hazardous Waste No. K083 are incinerated as hazardous waste and are not covered by this petition. Occasionally, the aniline concentration in the aqueous waste from the aniline recovery step may exceed 200 mg/1, and the stream is directed to the nitrobenzene two-bed activated carbon adsorption unit mentioned above.) Since EPA Hazardous Waste No. K104 is treated in the polishing lagoon, the lagoon and its sludge fall under RCRA regulation. The wastewater and sludge in the lagoon were sampled to determine whether they could be delisted. Du Pont claims that its treatment system produces a non-hazardous waste because the constituents of concern are present in insignificant concentrations. Du Pont further claims that its waste is not hazardous for any other reason.

Du Pont conducted a comprehensive sampling plan in support of the petition. Samples were collected from the aniline plant and the polishing lagoon. In addition to analyzing for the listed constituents of concern, Du Pont also analyzed for other Appendix VIII hazardous constituents that could be contaminants or formed as by-products. These compounds are phenol, 2-nitrophenol, 4-nitrophenol, 2,4-dinitrophenol, diphenylnitrosamine, and benzene. Du Pont also analyzed for cyanide and the EP toxic metals. The lagoon liquid and sludge were analyzed for the above constituents as well as Appendix VIII hazardous constituents which may originate from other processes, including acetonitrile, acrylonitrile, 1,2-dichloroethane, 1,2-dibromoethane, chloroform, carbon tetrachloride, and heavy metals.

Du Pont analyzed both composite and grab samples of the waste streams within the aniline plant. Samples were taken at four points: (1) After the separation step, (2) after steam stripping, (3) at the first carbon adsorber exit, and (4) at the second carbon adsorber exit. Samples were taken every 20 minutes for 24 hours, and composited daily. Grab samples also were collected every 4 hours and analyzed for highly volatile benzene. These waste stream samples were collected in 16 days over a 21-day period.

The 37-acre polishing lagoon, which has a 4-day retention time, was sampled over a period of 5 consecutive days. The lagoon was divided into five zones for sampling, where Zones I and II were at the influent of the impoundment and Zone V was at the discharge point. Both liquid samples and sludge composites were taken. To demonstrate that the composites were representative, the number of liquid samples was determined using statistical techniques which were approved by the Agency. Seventy liquid samples were collected each from Zones I and II, 27 samples were taken from Zone III, 19 samples were taken from Zone IV, and 13 samples were taken from Zone V.

Core samples of the lagoon sludge, about 4 to 6 inches deep, were collected in each zone. Eight core sludge samples were taken from Zones I and II, three samples from Zone III, and two samples each were taken from Zones IV and V. One composite of these samples were prepared for each of the five zones for a total of five lagoon sludge samples.

This sampling plan was undertaken to ensure collection of representative samples. Du Pont claims that the samples collected are representative of any variation of the listed constituent concentrations in the waste. Du Pont further claims that the listed wastes are both from manufacturing processes that operate in a consistent manner and that the use of raw materials does not vary over the time periods that these individual waste streams were generated.

Analysis of aqueous samples of EPA Hazardous Waste No. K104 collected from the end of the pre-treatment unit (*e.g.*, the second carbon adsorber effluent) for the major organic constituents revealed the maximum concentrations reported in Table 1.[7] Du

[7] As stated previously, Du Pont sampled this stream over a 21-day period. The analyses for Day 8 showed concentrations much higher than analyses on any of the other days (for example, the analysis for aniline on Day 7 was 180 ug/L, and the analysis on Day 8 was 270,000 ug/L). Du Pont claims that the

Continued

Pont provided results from the three other sampling points upstream of the second carbon adsorption unit in the aniline plant. These data are available in the public docket. These data show a noticeable decrease in concentrations for each of the constituents as the wastewater travels through the pre-treatment unit. For example, analysis of the Day 1 sample taken after separation from the reactor showed 830,000 ug/L of 2,4-dinitrophenol, while analysis of the Day 1 sample of second carbon adsorber effluent showed 290 ug/L, a reduction of 99.97 percent.

TABLE 1.—MAXIMUM ORGANIC CONSTITUENT CONCENTRATIONS IN THE SECOND CARBON ADSORBER EFFLUENT (ppm)

Constituents	Total constituent analyses
Aniline	1.5
Benzene	.011
2,4-Dinitrophenol	.29
Diphenylamine	<.02
Diphenylnitrosamine	<.02
Nitrobenzene	17.0
2-Nitrophenol	.043
4-Nitrophenol	<.05
Phenol	.078
o-Phenylenediamine	<.02
m-Phenylenediamine	<.08
p-Phenylenediamine	<.08

<: Denotes concentration below the detection limit.

Analyses of the second carbon adsorber effluent samples for the EP toxic metals revealed the maximum extract concentrations shown in Table 2.

values for Day 8 are not representative of single sample points. Du Pont's sampling procedures involved sampling the first carbon adsorber exit (sample point 1) every 20 minutes for 24 hours and compositing these into a daily sample. Identical procedures were followed during sampling of the second carbon adsorber exit (sample point 4, see Table 1). Samples from the first and second carbon adsorber exits represent waste that has passed through one and two carbon beds, respectively. On Day 8, the carbon beds were switched (i.e., the first carbon adsorber became the second carbon adsorber). In order to maintain the integrity of the samples during this separation, the sanple points should have been switched so that sample point 4 always represented samples that had phased through two carbon beds. Du Pont claims, however, that the sample points were not switched when the carbon beds were switched, which effectively mixed sample points 1 and 4. The Agency agrees that in this situation, these results should not be considered. The Agency notes, however, that when the sampling procedure has not reduced the integrity of the samples, fluctuations in waste composition (for example, due to switching carbon beds or monthly dumping of plating baths) are considered representative of variations in the waste that occur during normal operation over the short and long term

TABLE 2.—MAXIMUM EP LEACHATE CONCENTRATIONS IN THE SECOND CARBON ADSORBER EFFLUENT (ppm)

Constituents	EP leachate analyses
Arsenic	0.035
Barium	.23
Cadmium	.0017
Chromium	.0035
Lead	<.026
Mercury	.0011
Nickel	<.045
Selenium	.12
Silver	.025

<: Denotes concentrations below the detection limit.

Analyses of aqueous grab samples collected from five zones in the polishing lagoon for the listed hazardous constituents as well as for other Appendix VIII hazardous constituents revealed the maximum concentrations shown in Table 3. Analyses for the additional Appendix VIII hazardous constituents were conducted in order to determine if other process wastewaters that are treated in the polishing lagoon contribute hazardous constituents at levels of regulatory concern.

TABLE 3.—MAXIMUM ORGANIC CONSTITUENT CONCENTRATIONS IN THE POLISHING LAGOON WATER (ppm)

Constituent	Total constituent analyses
Acetonitrile	<0.1
Acrylonitrile	<.05
4-Aminobiphenyl	<.01
Aniline	<.01
Benzene	<.005
Carbon tetrachloride	.33
Chloroform	.98
1,2-Dibromoethane	<.005
1,2-Dichloroethane	<.005
2,4-Dinitrophenol	<.05
Diphenylamine	<.01
Diphenylnitrosamine	<.01
Nitrobenzene	.24
2-Nitrophenol	<.01
4-Nitrophenol	<.05
Phenol	<.01
o-Phenylenediamine	<.02
m-Phenylenediamine	<.05
p-Phenylenediamine	<.05
Tetrachloroethylene	.031
Toluene	<.005

<: Denotes concentrations below the detection limit.

Total constituent analyses of aqueous grab samples collected from five zones in the polishing lagoon for the EP toxic metals and cyanide revealed the maximum concentrations shown in Table 4.

TABLE 4.—MAXIMUM TOTAL EP TOXIC METALS AND CYANIDE CONCENTRATIONS IN POLISHING LAGOON WATER (ppm)

Constituents	Total constituent analyses
Arsenic	0.0046
Barium	.12
Cadmium	<.002

TABLE 4.—MAXIMUM TOTAL EP TOXIC METALS AND CYANIDE CONCENTRATIONS IN POLISHING LAGOON WATER (ppm)—Continued

Constituents	Total constituent analyses
Chromium	.26
Lead	.0037
Mercury	.0012
Selenium	<.0024
Silver	<.0002
Cyanide	.014

<: Denotes concentrations below the detection limit.

Analysis of sludge composites collected from the polishing lagoon for the listed hazardous constituents of concern as well as for other Appendix VIII hazardous constituents revealed the maximum concentrations shown in Table 5.

TABLE 5.—MAXIMUM ORGANICS CONCENTRATIONS IN THE POLISHING LAGOON SLUDGE (ppm)

Constituents	Total constituent analyses
Acetonitrile	<0.5
Acrylonitrile	<0.1
4-Aminobiphenyl	<14.0
Aniline	<7.0
Benzene	<0.025
Carbon tetrachloride	<0.025
Chloroform	8.5
1,2-Dichloroethane	<0.025
1,2-Dibromoethane	<0.025
2,4-Dinitrophenol	<35.0
Diphenylamine	<7.0
Diphenylnitrosamine	<7.0
Nitrobenzene	<7.0
2-Nitrophenol	<7.0
4-Nitrophenol	<35.0
Phenol	<7.0
o-Phenylenediamine	<14.0
m-Phenylenediamine	<35.0
p-Phenylenediamine	<35.0
Tetrachloroethylene	100
Toluene	<0.025

<: Denotes concentrations below the detection limit.

Analyses of samples collected from the lagoon sludge for the EP toxic metals and cyanide revealed the maximum total and extract concentrations shown in Table 6.

TABLE 6.—MAXIMUM EP TOXIC METALS AND CYANIDE CONCENTRATIONS IN POLISHING LAGOON SLUDGE (ppm)

Constituents	Total constituent analyses	EP leachate analyses
Arsenic	16.4	.02
Barium	72.0	1.43
Cadmium	<2.0	.008
Chromium	108.0	[1].052
Lead	430.0	[1].49
Mercury	0.744	<0.0001
Selenium	<2.0	<0.02
Silver	<2.0	<0.0001
Cyanide	0.03	0.03

[1] The leachable chromium concentration for one sample out of five was 0.45 ppm. The chromium concentrations in the other samples were equal to or less than 0.052 ppm, the second-highest chromium level reported. Similarly, the leachable lead concentration for one sample out of five was 3.2 ppm. The lead concentrations in the other samples was equal to or less than 0.49 ppm, the second-highest lead

level reported. The Agency believes that the maximum chromium and lead values are outliers and do not reflect the typical mobility in Du Pont's waste. The Agency's conclusion is supported by the Dixon Extreme Value Test. The Agency, therefore, considers the second-highest chromium and lead values (*i.e.*, 0.052 and 0.49 ppm, respectively) to be more accurate reflections of maximum chromium and lead mobility.

The maximum total oil and grease value reported by Du Pont was 0.04 percent for the second carbon adsorber effluent. Du Pont also provided test data indicating that this waste is not ignitable, corrosive, or reactive. Du Pont indicated that a maximum of 25.2 million gallons of aqueous waste per year are discharged from the carbon adsorption unit and 105.6 million gallons per year are discharged from the polishing lagoon. The Agency estimated that the lagoon contains 28,000 kkg of sludge.

B. Agency Analysis and Action

Based on current evaluation criteria, the Agency believes that Du Pont, Beaumont Works, has not demonstrated that either EPA Hazardous Waste No. K104 or the lagoon waste streams are non-hazardous. The Agency believes that the composite samples were non-biased and adequately represent any variation that may occur throughout the wastewater treatment facility. The Agency believes that (with respect to the lagoon sludge) since the samples were collected randomly throughout the lagoon zones, any stratification occurring vertically due to settling or horizontally as a function of flow through the wastewater treatment facility would be represented by the sampling scheme followed. Due to the nature of the manufacturing process and the consistency of its operation, the Agency also believes that samples collected on any one day would not be expected to differ from results provided by Du Pont in their petition. Since the water samples from the lagoon were collected over a 21-day period, and the lagoon sludge samples were collected over a 5-day period (the amount of time spent in the lagoon before discharge), the Agency believes that any variation in the samples over time is represented. The samples, therefore, are believed to be representative of the waste generated by Du Pont in the nitrobenzene/aniline manufacturing process. The Agency has evaluated the mobility of the constituents from Du Pont's waste using the vertical and horizontal spread (VHS) model.[8] The Agency estimated leachate concentrations for the organic constituents using the revised version of the Organic Leachate Model (OLM).[9]

The model generated compliance point values using the 25.2 million gallons per year, 105.6 million gallons per year, and 28,000 kkg per year waste generation rates for the carbon adsorber effluent, polishing lagoon water, and lagoon sludges, respectively and the maximum reported concentrations in the carbon adsorber effluent, lagoon water and lagoon sludge. The Agency evaluated Du Pont's wastewaters and sludge by using the maximum extract levels reported for the sludge and total constituent levels for the wastewaters as input to the VHS model, which generated the compliance point concentrations exhibited in Tables 7, 8, and 9. (Where leachate concentrations were below the detection limits, the value of the detection limit was used.)

TABLE 7.— VHS MODEL: CALCULATED ORGANICS COMPLIANCE POINT CONCENTRATIONS (ppm)

Constituents	Compliance point concentrations			
	Second carbon adsorber effluent	Lagoon sludge[2]	Lagoon water	Regulatory standards
Aniline	[1] 0.24	[1] <0.083	<0.002	0.01
Benzene	[1].0017	<.0008	<.0008	.0012
Carbon tetrachloride	NT	[1] <.0005	[1].052	.00027
Chloroform	NT	[1].054	[1].155	.0005
2,4-Dinitrophenol	.046	[1] <.12	<.008	.07
Nitrobenzene	[1] 2.7	[1] <.026	[1].038	.018
2-Nitrophenol	.007	<.027	<.0016	NS
Phenol	.012	<.13	<.0016	3.5
Tetrachloroethylene	NT	[1].059	[1].005	.00069

NS = No regulatory standard.
[*] NT = Not tested.
<: Denotes leachate concentration below the detection limit.
[1] Exceeds regulatory standard
[2] The OLM at the 95 percent confidence interval was only used to calculate leachate concentrations for the sludge waste. Total constituent analysis results were used as input to the VHS model for the second carbon adsorber effluent and lagoon water.

TABLE 8.— VHS MODEL: CALCULATED COMPLIANCE POINT CONCENTRATIONS FOR ORGANICS (ppm) FOR POLISHING LAGOON SLUDGE

Constituents	Lagoon sludge	Regulatory standards
Aniline	[1] <0.061	0.01
Benzene	<.0004	.0012
Chloroform	[1].04	.0005
Carbon tetrachloride	[1] <.00033	.00027
2,4-Dinitrophenol	[1] <.09	.07
Nitrobenzene	[1] <.021	.018
2-Nitrophenol	<.022	NS

TABLE 8.— VHS MODEL: CALCULATED COMPLIANCE POINT CONCENTRATIONS FOR ORGANICS (ppm) FOR POLISHING LAGOON SLUDGE— Continued

Constituents	Lagoon sludge	Regulatory standards
Phenol	<.089	3.5
Tetrachlorcethylene	[1].049	.00069

NS = No regulatory standard.
<: Denotes concentration below detection limit.
[1] Exceeds regulatory standard.

TABLE 9.— VHS MODEL: CALCULATED EP TOXIC METALS AND CYANIDE COMPLIANCE POINT CONCENTRATIONS (ppm)

Constituents	Compliance point concentrations			
	Carbon adsorber effluent	Lagoon sludge	Lagoon water	Regulatory standards
Arsenic	0.0055	0.003	0.0007	0.05
Barium	.036	.227	.15	1.0
Cadmium	.0003	.001	<.0003	.01
Chromium	.0006	[1].071	.041	.05
Lead	<.0041	[1].51	.0006	.05
Mercury	.0002	<.00002	.0002	.002
Nickel	<.007	NT	NT	.35
Selenium	[2].019	<.003	<.0004	.01
Silver	.004	<.00002	<.00003	.05
Cyanide	.049	.005	.002	.2

NT = Not tested.
<: Denotes concentration below detection limit.
[1] Exceeds regulatory standard.
[2] Selenium matrix interferences render this data point questionable.

A number of analytical data points failed the VHS model analysis. The compliance point concentrations of aniline, benzene, and nitrobenzene for EPA Hazardous Waste No. K104 as discharged from the second carbon adsorber exceed their respective regulatory standards. In addition, the compliance point concentrations of tetrachloroethylene and chloroform for the lagoon sludge exceed their regulatory standards. Although not a

[8] See footnote 3.

[9] For a discussion of the Agency's proposed organic leachate model (OLM) see 50 FR 48957, November 27, 1985. See 51 FR 27061, July 29, 1986, Notice of Data Availability for the revised OLM.

basis for today's proposed denial, the Agency notes that the sludge also fails the VHS analysis where the analytical detection limits for aniline, nitrobenzene, 2,4-dinitrophenol, and carbon tetrachloride are used as worst-case input to the model.[10] Further, the compliance point concentrations of nitrobenzene, tetrachloroethylene, chloroform, and carbon tetrachloride for the lagoon water exceed their regulatory standards. The Agency, at present, has not evaluated 2-nitrophenol levels in the waste because a regulatory standard for this compound is not currently available. The Agency notes, however, that 2-nitrophenol was below detection limits for the lagoon water and sludge, and levels in the carbon adsorber effluent were low. Finally, the compliance point concentrations of chromium and lead for the lagoon sludge are greater than the National Interim Primary Drinking Water Standards. Cyanide levels in the waste are not expected to be present at levels of regulatory concern from an air contamination perspective. That is, the Agency believes these levels to be sufficiently low so as to preclude the generation of hazardous levels of toxic gases.[11]

Du Pont provided EPA with a list of all Appendix VIII hazardous constituents that may be present in the wastes, and conducted analyses for these constituents. The Agency has concluded that no other hazardous constituents, other than aniline, benzene, nitrobenzene, tetrachloroethylene, chloroform, carbon tetrachloride, chromium, and lead (as stated above), are present in the wastes at levels of regulatory concern.

In a submittal dated January 16, 1986, Du Pont indicated that it intends to modify the aniline process in order to achieve a reduction in energy consumption per unit of aniline manufactured. The new nitration process will be installed in parallel with the conventional nitration reactors and will use the existing nitrobenezene refining system. The new process will use the heat of reaction from nitration to drive off the water-of-reaction directly from the reactors. Du Pont believes that the waste load of the new nitration facility will be less than that generated from the present facility and, therefore, any sampling program conducted with the present facilities will be representative of a reasonable worst case of the future operation. In order to compare the new nitration facility waste load to the present facility, Du Pont conducted a pilot study of the new nitrobenzene reactor.

Du Pont provided data from this pilot study to compare the Appendix VIII hazardous constituent concentrations in the waste from the proposed modification with the concentrations in the waste from the current process. The results of these analyses are presented in Table 10. The wastes compared were extracted with acidic water and a caustic solution, but were not steam stripped or treated by carbon adsorption due to the pilot scale operation. Du Pont claims that the use of steam stripping and carbon adsorption will result in an effluent from the modified process with equal or lower constituent concentrations than the current process. The Agency does not believe that the data submitted or Du Pont's claim are sufficient to determine that the waste from the modified process is non-hazardous because the Agency would not evaluate the effects of steam-stripping and carbon adsortion. Should Du Pont implement these modifications, it would have to submit an addendum to its original petition with data from a complete pilot-scale operation or the fully implemented treatment system.

TABLE 10.—AVERAGE CONCENTRATIONS OF HAZARDOUS CONSTITUENTS (ppm)

Constituents	Present operation	Future modification
Cyanides (total)	1,975	<0.67
2,4-Dinitrophenol	502	131
2-Nitrophenol	13.9	35.6
4-Nitrophenol	ND	<0.088
Phenol	<0.250	0.031

ND = compound not detected.

The Agency believes that the wastes generated by the manufacturing process at the E.I. Du Pont de Nemours Facility in Beaumont, Texas are not rendered non-hazardous by the pre-treatment and wastewater treatment facility currently in use. The analysis of the effluent from the second carbon adsorption unit using the VHS model indicates the potential of the waste to leach aniline, benzene, and nitrobenzene and contaminate the ground water. The VHS model analysis of the polishing lagoon water indicates the potential for ground water contamination due to nitrobenzene, tetrachloroethylene, chloroform, and carbon tetrachloride. In addition, the VHS model analysis of the polishing lagoon sludge also indicates ground water contamination potential due to leaching of tetrachloroethylene, chloroform, chromium, and lead. The Agency is not convinced that the modifications to the production process will reduce the levels of the constituents of concern in the wastes. The Agency, therefore, proposes to deny Du Pont's delisting petition for its combined K103 and K104 impoundment sludge and wastewaters generated at its Beaumont, Texas facility and revoke their temporary exclusion.

III. Ford Motor Company

A. Petition for Exclusion

Ford Motor Company (Ford) located in Lima, Ohio, is involved in the assembly of automobile engines and the machining of engine components. Ford has petitioned the Agency to exclude its wastewater treatment sludge contained in two on-site lagoons. The sludge is presently listed as EPA Hazardous Waste No. F006—Wastewater treatment sludges from electroplating operations except from the following processes: (1) Sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc, and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum. The listed constituents of concern for this waste are cadmium, hexavalent chromium, nickel, and cyanide (complexed).

Based upon the Agency's review of the petition, Ford was granted a temporary exclusion on February 12, 1982. The Agency's basis for granting the temporary exclusion (at that time) was the low concentration of cadmium, cyanide, chromium and nickel and the low migration potential of these constituents in the waste. Since that time, the Hazardous and Solid Waste Amendments (HSWA) of 1984 were enacted. In part, the Amendments require the Agency to consider factors (including additional toxicants) other than those for which the waste was listed, if the Agency has a reasonable basis to believe that such additional factors could cause the waste to be hazardous. (See section 222 of the Amendments, 42 U.S.C. 6921(f).) As a result, the Agency has re-evaluated Ford's petition to: (1) determine whether

[10] The Agency is aware that the recommended extraction and analytical procedures described in SW-846 cannot achieve low enough detection limits to pass the VHS model analysis for some constituents. Where hazardous constituents in a waste are determined to be non-detectable using appropriate analytical methods, the Agency will, as a matter of policy, not regulate the waste as hazardous for those constituents. The Agency is not indicating that these detection limits are appropriate minimum limits for all petitioners. These limits will be determined on a case-by-case basis and will depend on the waste matrix.

[11] See internal Agency memorandum dated July 12, 1985, entitled "Interim Thresholds for Toxic Gas Generation" (in the RCRA public docket).

the temporary exclusion should be made final based on the factors for which the waste was originally listed; and (2) determine whether the waste is non-hazardous with respect to factors and toxicants other than those for which the waste was originally listed. Today's notice is the result of the Agency's re-evaluation of Ford's petition.

In support of their petition, Ford has submitted a detailed description of its manufacturing and treatment processes, including schematic diagrams; total constituent analyses and oily waste EP (OWEP) toxicity test results of the lagoon sludge for cadmium, total chromium, and nickel; and analytical results for total and leachable cyanide, and total sulfides. Ford also submitted results from total constituent analyses for arsenic, barium, lead, mercury, selenium, and silver; EP toxicity test results for barium, lead, and silver; and results of total oil and grease analyses on representative waste samples. Ford further submitted a list of Appendix VIII hazardous constituents used at the plant and provided analytical data on Appendix VIII hazardous constituents potentially present in the lagoon sludge. As noted above, the Agency requested this information to determine whether toxicants, other than those for which the waste was originally listed, are present in the waste at levels of regulatory concern.

Ford's manufacturing process includes the machining of rough castings to produce engine components which are then assembled at the plant. The machining operations include immersion tin coating and zinc phosphating. Copper plating of connecting rods occurred at the plant, but this process has been removed. Ford claims that cadmium, chromium, nickel, and cyanide are not used in their process. The waste treatment system receives wastes from the phosphate coaters, tin coaters, industrial washers, soluble oil coolants, and cleaning operations. Prior to removal of the copper plater, rinsewater from this plating process overflowed to the treatment facility. The treatment process includes separation of free and emulsified oils by acid treatment. The resulting wastewater is then treated with ferric chloride, sodium hydroxide, and a polymer for coagulation of the remaining oils and precipitation of metal ions. The sludge is then clarified and pumped to two lagoons for evaporation and storage. Ford refers to these two lagoons as the North Lagoon and South Lagoon. The North Lagoon is approximately 90 yards wide and 250 yards long; the South Lagoon is 120 by 250 yards. Ford claims that its treated wastewater sludge is non-hazardous because the constituents of concern are present either in insignificant concentrations or, if present at significant levels, are essentially in immobile forms. Ford also believes that the waste is non-hazardous for any other reason.[12]

Ford presented analytical data on four composite samples collected from each of the two sludge lagoons. Each of the eight composite samples was composed of six core samples collected from the lagoons in August 1985. Each lagoon was divided into quadrants and the core samples were collected from randomly selected sampling locations within these quadrants. As a result of HSWA requirements, Ford submitted test results from organics analyses for these samples in 1986. Four composite samples of the sludge lagoon influent were also collected and analyzed for total constituent concentrations and two samples were analyzed for leachable and dissolved EP toxic metals and nickel. Ford claims that all samples collected are representative of any variation of the listed and non-listed constituent concentrations in the waste and the lagoon samples are representative of any vertical and horizontal variability in the stored sludge. Ford further claims that the manufacturing processes used at the facility are operated in a consistent manner, and processes contributing to the generation of the sludge have not changed except for the elimination of the copper plater in 1984.

Total constituent and OWEP analyses of the lagoon sludges for the listed constituents revealed the maximum concentrations reported in Table 1.

TABLE 1.—MAXIMUM CONCENTRATIONS (ppm)

Listed constituents	Total constituent analyses (mg/kg)	OWEP leachate analyses (mg/l)
North Lagoon:		
Cadmium	0.77	<0.040
Chromium [1]	41.0	<0.193
Nickel	17.5	.53
Cyanide	2.8	[2].15
South Lagoon:		
Cadmium	.66	<0.040
Chromium (total) [1]	32.8	<0.202
Nickel	13.4	.69

[12] It should be noted that recent re-interpretation of F006 means that wastes generated by phosphating and immersion plating processes are not regulated. Accordingly, the dewatered sludge presently generated by these processes is not regulated. Since Ford once disposed of copper-plating rinsewaters (classified as EPA Hazardous No. F006) in its two on-site lagoons, however, the lagoon sludges, which are the subject of this petition, are classified as EPA Hazardous Waste No. F006 by the mixture rule.

TABLE 1.—MAXIMUM CONCENTRATIONS (ppm)—Continued

Listed constituents	Total constituent analyses (mg/kg)	OWEP leachate analyses (mg/l)
Cyanide	3.2	[2].17

<: Denotes concentrations below the detection limits.
[1] Hexavalent chromium is listed as the constituent of concern for this waste; however, the concentration of total chromium is low enough to make a determination of hexavalent chromium unnecessary.
[2] Leachable cyanide tests were not required since cyanide is not used in the process and the total content was low. The maximum leachable cyanide concentration was determined based on the dilution inherent to the oily waste EP toxicity test which includes consideration of the volume of the oily fraction of the waste. (See the public docket for a discussion of this determination presented in an internal Agency memorandum dated July 29, 1986.)

Total constituent and OWEP analyses of the lagoon sludges for the non-listed EP toxic metals revealed the maximum concentrations reported in Table 2.

TABLE 2.—MAXIMUM CONCENTRATIONS (ppm)

Nonlisted constituents	Total constituent analyses (mg/kg)	OWEP analyses (mg/l)
North Lagoon:		
Arsenic	1.93	[1] 0.104
Barium	.2	.99
Lead	72.4	<0.19
Mercury	.020	[1].001
Selenium	.5	[1].027
Silver	<0.20	<0.040
South Lagoon:		
Arsenic	1.16	[1].063
Barium	.1	1.03
Lead	44.7	<0.020
Mercury	<.006	[1]<0.0003
Selenium	.3	[1].016
Silver	<.18	<0.04

<: Denotes concentrations below the detection limit.
[1] Ford did not submit OWEP analyses for these constituents. See footnote 2 from Table 1 for a discussion of how the Agency determined leachate concentrations for these constituents.

Ford also submitted total constituent analyses for Appendix VIII hazardous constituents potentially present in the waste. Maximum concentrations for these constituents detected in the lagoon sludges are reported in Table 3.

TABLE 3.—MAXIMUM CONCENTRATIONS OF ORGANICS POTENTIALLY PRESENT IN THE LAGOON SLUDGES (ppm)

Constituents	Total constituent analyses
North Lagoon:	
Benzene	.110
Chloroform	.017
1,1-Dichloroethane	5.0
Ethyl benzene	1.1
Tetrachloroethene	.32
Toluene	2.3
1,1,1-Trichloroethane	2.5
Trichloroethene	.029
South Lagoon:	
Benzene	.050
Chloroform	.048
1,1-Dichloroethane	6.6
Ethyl benzene	.38
Tetrachloroethane	.28
Toluene	.89
1,1,1-Trichloroethane	4.1
Trichloroethene	.035

The maximum total oil and grease value reported by Ford was 8 percent. Ford submitted a list of Appendix VIII hazardous constituents contained in products used at the facility. Ford also provided test data indicating that the lagoon sludges are not ignitable, corrosive, or reactive. Ford claims that approximately 9,000 cubic yards of sludge are stored at the facility. The North Lagoon contains 3,900 cubic yards and the South Lagoon contains 5,100 cubic yards of sludge.

B. Agency Analysis and Action

The Agency believes that the sludge stored in Ford's lagoons may be hazardous. The Agency believes that the four sludge samples collected by Ford from each lagoon in 1985 adequately represent the waste petitioned for exclusion. Ford indicated that sludge has been accumulating in the lagoons for three years. The manufacturing processes have remained consistent during that time except for removal of the copper plater in 1984. The Agency believes, therefore, that the samples are representative of the waste stored in the lagoons.

The Agency has evaluated the mobility of the listed constituents from Ford's waste using the vertical and horizontal spread (VHS) model.[13] The VHS model generated compliance point values using, as the model input parameters, the total volume of waste stored in the North and South Lagoons (9,000 cubic yards) and the maximum extract levels reported by Ford.[14] The total volume was considered since these impoundments will impact any underlying aquifer as a combined leaching volume. These predicted compliance point concentrations are reported in Table 4. (When leachate concentrations were below the detection limits, the value of the detection limit was used).

TABLE 4.—VHS MODEL: CALCULATED COMPLIANCE POINT CONCENTRATIONS/(ppm) NORTH AND SOUTH LAGOONS

Listed constituents	Compliance point concentrations	Regulatory standards
Cadmium	<0.006	0.01
Chromium (total)	<0.03	.05
Nickel	.11	.35
Cyanide	.03	.2

<: Denotes that the leachate concentration was below the detection limit.

[13] See footnote 3.

[14] The Agency requests that OWEP analyses be run on wastes which have oil and grease levels greater than 1 percent. The Agency has, therefore, used OWEP data provided by Ford in the VHS model evaluation.

The lagoon sludges exhibited cadmium and chromium levels (at the compliance point) below the National Interim Primary Drinking Water Standards; cyanide levels below the U.S. Public Health Service's suggested drinking water standard;[15] and nickel levels below the Agency's interim health advisory.[16] The waste's maximum sulfide and cyanide content (280 and 3.2 ppm, respectively) are low enough to not be of regulatory concern from an air contamination route. That is, the Agency believes these levels to be sufficiently low so as to preclude the generation of hazardous levels of toxic gases.[17] (The capability of a sulfide- or cyanide-bearing waste to generate hazardous levels of toxic gases, vapors, or fumes is a property of the reactive characteristic.) These constituents, therefore, are not of regulatory concern.

The Agency also concluded, through using the VHS model, that the other EP toxic metals are not present in the lagoon sludge at levels of regulatory concern (*i.e.*, none are above any regulatory standard at the compliance point in the VHS model). The compliance point values generated from these extract levels are displayed in Table 5.

TABLE 5.—VHS MODEL: CALCULATED COMPLIANCE POINT CONCENTRATIONS/(ppm) NORTH AND SOUTH LAGOONS

Non-listed constituents	Compliance point concentrations	Regulatory standards
Arsenic	0.016	0.05
Barium	.16	1.0
Lead	<0.03	.05
Mercury	.0002	.002
Selenium	.004	.01
Silver	<0.006	.05

<: Denotes that the leachate concentration was below the detection limit.

The Agency also has evaluated the mobility of organic constituents detected in the lagoon sludge using the VHS model. The VHS model generated compliance point values using the combined waste volume of 9,000 cubic yards of lagoon sludge and the maximum reported concentration of organics predicted by the Agency's Organic Leachate Model (OLM).[18] Predicted leachate concentrations, compliance point levels, and regulatory standards are presented in Table 6.

TABLE 6.—VHS MODEL: CALCULATED COMPLIANCE POINT CONCENTRATIONS/(ppm) NORTH AND SOUTH LAGOONS

Constituents	Predicted leachate concentrations		Compliance point concentrations		Regulatory standards
	Baseline	95 percent	Baseline	95 percent	
Benzene	0.0077	0.0110	[1] 0.0012	[1] 0.0017	0.0012
Chloroform	.0077	.0116	[1].0012	[1].0018	.0005
1,1-Dichloroethane	.1879	.2371	[1].0298	[1].0376	.00035
Ethyl benzene	.0146	.0188	.0023	.0030	3.5
Tetrachloroethene	.0072	.0084	[1].0011	[1].0013	.0007
Toluene	.0384	.0488	.0061	.0077	10.5
1,1,1-Trichloroethane	.0833	.1052	.0132	.0167	1.2
Trichloroethene	.0029	.0042	.0005	.0007	.0032

[1] Exceeds regulatory standard.

The lagoon sludge exhibited ethyl benzene, toluene, 1,1,1-trichloroethane, and trichloroethene in concentrations below their regulatory standards. Benzene, chloroform, 1,1-dichloroethane, and tetrachloroethene, however, were detected above their respective regulatory standards in the lagoon sludge. These constituents, therefore, are of regulatory concern.

The Agency believes that Ford has not demonstrated that the lagoon sludges are non-hazardous. The prediction of benzene, chloroform, 1,1-dichloroethane, and tetrachloroethene levels (at the compliance point) using the OLM and VHS model reveals concentrations that exceed the regulatory standards and indicates a potential for the lagoons to leach benzene, chloroform, 1,1-dichloroethane, and tetrachloroethene and contaminate ground water. The Agency, therefore, proposes to deny Ford Motor Company's petition for its facility located in Lima, Ohio for its wastewater treatment sludge stored in the North and South Lagoons.

IV. GMC Truck and Coach

A. Petition for Exclusion

General Motors Corporation Truck and Coach Division, (GMC Truck),

[15] Drinking Water Standards, U.S. Public Health Service, Publication 956, 1962 (0.2 ppm).

[16] See 50 FR 20247 (May 15, 1985) for a complete description of the development of the Agency's interim standard for nickel.

[17] See footnote 11.

[18] See footnote 9.

located in Pontiac, Michigan, is involved in the electroplating of zinc and the chemical conversion coating of aluminum parts used in the construction of light, medium, and heavy duty trucks and municipal transit coaches. GMC Truck has petitioned the Agency to exclude its wastewater treatment sludge presently listed as EPA Hazardous Waste No. F006—Wastewater treatment sludges from electroplating operations except from the following processes: (1) Sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc, and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum, and as EPA Hazardous Waste No. F019—Wastewater treatment sludges from the chemical conversion of aluminum. The listed constituents of concern for EPA Hazardous Waste No. F006 are cadmium, hexavalent chromium, nickel, and cyanide (complexed). The listed constituents for EPA Hazardous Waste No. F019 are hexavalent chromium and cyanide (complexed).[19]

Based on the Agency's review of the petition, GMC Truck received a temporary exclusion in May 1982. The Agency's basis for granting the temporary exclusion (at that time) was the low concentration and the low migration potential of cadmium, cyanide, chromium, and nickel in the waste. Since that time, the Hazardous and Solid Waste Amendments (HSWA) of 1984 were enacted. In part, the Amendments require the Agency to consider factors (including additional toxicants) other than those for which the waste was listed, if the Agency has a reasonable basis to believe that such additional factors could cause the waste to be hazardous. (See section 222 of the Amendments, 42 U.S.C. 6921(f).) As a result, the Agency has re-evaluated GMC Truck's petition to: (1) Determine whether the temporary exclusion should be made final based on the factors for which the waste was originally listed; and (2) determine whether the waste is non-hazardous with respect to factors and toxicants other than those for which the waste was originally listed. Today's notice is the result of the Agency's re-evaluation of GMC Truck's petition.

[19] The recent Agency re-interpretation of F006 means that wastes generated by phosphating processes are not regulated. Accordingly, the petitioner's waste from their phosphating processes (previously classified as EPA Hazardous Waste No. F006) is not regulated. This waste, however, is still regulated as F019.

In support of their petition, GMC Truck has submitted a detailed description of its manufacturing and treatment processes, including schematic diagrams; total constituent analyses and EP toxicity test results of the filter press sludge for cadmium, total chromium, and nickel; and analytical results for total and leachable cyanide. GMC Truck also submitted total constituent analyses and EP toxicity test results for arsenic, barium, lead, mercury, selenium, and silver, and results of total oil and grease and total sulfide analyses on representative waste samples. Test results for ignitability, reactivity, and corrosivity also were submitted. GMC Truck elected not to submit a list of the raw materials and feedstocks used in their manufacturing process. GMC Truck was therefore required to demonstrate that the petitioned waste contained no Appendix VIII hazardous constituents in concentrations exceeding regulatory concern. GMC Truck performed a computer search of the Appendix VIII hazardous constituents present in substances used at the Pontiac facility. For those Appendix VIII hazardous constituents found to be used at the facility, GMC Truck determined whether these constituents were used in processes that contribute to the waste streams generating the petitioned waste. GMC Truck provided total constituent analyses for these Appendix VIII hazardous constituents.

GMC Truck's manufacturing process includes phosphatized electroplating of metal parts and chemical conversion of aluminum, both used in the manufacture of trucks and municipal transit coaches. Influent to the treatment plant consists of rinse water from parts cleaning and phosphating operations (phosphating operations include the sequential steps of cleaning, rinsing, zinc phosphating, rinsing, chromic acid treating, and rinsing, each step generating wastewater). Additional wastewater originates from paint booths, powerhouse scrubbers, storm runoff from coal piles, machining coolant, and drainage from various dedicated contained areas.

The waste streams generated by the preceding processes, on arrival to the treatment plant, undergo mechanical separation of floating scum and oil and suspended solids. The waste streams are adjusted to appropriate pH levels and are treated for dissolved metals in their respective tanks. Hexavalent chromium, which arises from chromic acid used in phosphating, parts cleaning, and painting operations, is reduced to trivalent chromium by treatment with ferrous sulfate. Chromium precipitates as a complex with the addition of lime. Other dissolved metals are precipitated as a sludge by the addition of slaked lime or liquid caustic and a polymer. Clarified water is discharged directly to the City of Pontiac's publicly owned treatment works. The sludge is dewatered on a filter press. The resulting cake contains 40 percent solids by weight. The water from the press is returned to the general waste system.

GMC Truck claims that its treated wastewater sludge is nonhazardous because the constituents of concern are present either in insignificant concentrations or, if present at significant levels, are essentially in immobile forms. GMC Truck also believes that the waste is not hazardous for any other reason.

GMC Truck presented analytical data on a total of 17 composite samples collected from the filter press on 17 separate dates from July 17, 1980 to October 11, 1985. Each composite sample was composed of several grab samples collected from the filter press on each sampling date.

Ten of the composite samples were collected randomly on 10 separate dates from July 17, 1980 to June 8, 1981 and each was analyzed for arsenic, barium, cadmium, total chromium, lead, mercury, selenium, and silver using the EP toxicity test. Six of these ten composite samples, collected from November 26, 1980 to June 8, 1981, also were analyzed for hexavalent chromium, zinc, and cyanide using the EP toxicity test. In addition, four of the six composite samples, those collected on a weekly basis from May 20, 1981 to June 8, 1981, also were analyzed for copper and nickel using the EP toxicity test. Additionally, these four composite samples were analyzed for total concentrations of the EP toxic metals, copper, nickel, zinc, and cyanide. The petitioner randomly collected five more composite samples on five separate dates from September 27, 1983 to July 16, 1985. These five samples were analyzed for total concentrations of the EP toxic metals, nickel, and antimony and for total concentrations of selected Appendix VIII hazardous constituents. Two additional samples collected on October 4 and October 11, 1985 also were analyzed for total concentrations of selected Appendix VIII hazardous constituents, and for total organic carbon. Each of the above seven composite samples collected between September 27, 1983 and October 11, 1985 also were analyzed for oil and grease.

GMC Truck claims that all samples collected are representative of any variation of the listed and non-listed constituent concentrations in the waste. GMC Truck claims that the manufacturing processes used at the facility are operated in a consistent manner, and that the use of raw materials does not vary significantly over time. Total constituent and EP toxicity analyses of the filter press sludge for the listed constituents revealed the maximum concentrations reported in Table 1.[20]

TABLE 1.—MAXIMUM CONCENTRATIONS

Listed constituents	Total constituent analyses (mg/kg)	EP leachate analyses (mg/l)
Cadmium	24.0	0.1
Chromium (total)[1]	800.0	.049
Nickel	380.0	4.4
Cyanide	1.9	.02

[1] Hexavalent chromium is listed as the constituent of concern for this waste; however, the leachable concentration of total chromium is low enough to make a determination of hexavalent chromium unnecessary.

Total constituent and EP toxicity analyses of the filter press sludge for the non-listed EP toxic metals revealed the maximum concentrations reported in Table 2.

TABLE 2.—MAXIMUM CONCENTRATIONS

Nonlisted constituents	Total constituent analyses (mg/kg)	EP leachate analyses (mg/l)
Arsenic	25.0	0.30
Barium	320.0	<.1
Lead	1,700	.33
Mercury	6.3	<.00056
Selenium	15.0	[1].038
Silver	6.2	.017

<: Denotes concentrations below the detection limit.
[1] The leachable selenium concentration for 1 of 10 samples was 0.07 mg/l. The concentrations in the other samples were equal to or less than 0.038 mg/l, the second-highest selenium level reported. The Agency believes that the maximum value is an outlier and does not reflect the typical mobility of selenium in GMC Truck's waste. The Agency's conclusion is supported by the Dixon Extreme Value Test. The Agency, therefore, considers the second-highest selenium value (*i.e.*, 0.038 mg/l) to be a more accurate reflection of maximum selenium mobility.

GMC Truck also submitted total constituent analyses for Appendix VIII hazardous organics potentially present in the waste. Maximum concentrations for these constituents in the filter press sludge are reported in Table 3.

[20] The Agency requests that the Oily Waste EP (OWEP) Toxicity Test be used whenever oil and grease levels exceed 1 percent. GMC Truck's waste contains up to 12 percent oil and grease. In general, OWEP results are higher than EP results. The Agency notes that GMC Truck should have provided OWEP analyses results.

TABLE 3.—MAXIMUM CONCENTRATIONS OF ORGANICS PRESENT IN THE FILTER PRESS SLUDGE (MG/L)

Constituents	Total constituent analyses
Dibutyl phthalate	33
Formaldehyde	<1
Isobutyl alcohol	2
Methylene chloride	26
Methyl ethyl ketone	<2
1-Propanamine	<5
Toluene	<10

<: Denotes concentrations below the detection limit.

The maximum total oil and grease value reported by GMC Truck was 12 percent. The maximum total sulfide was reported at <0.1 ppm. GMC Truck has not submitted a list of all raw materials used in its manufacturing and wastewater treatment processes, but indicated that no Appendix VIII hazardous constituents, other than those specifically discussed, are used in the processes that contribute to the waste stream and that formation of any Appendix VIII hazardous constituents is highly unlikely. GMC Truck also provided test data indicating that the filter press sludge is not ignitable, corrosive, or reactive. GMC Truck claims to generate a maximum of 7,000 cubic yards of filter press sludge per year.

B. Agency Analysis and Action

GMC Truck has not demonstrated that its waste treatment system produces a non-hazardous sludge. The Agency believes that the 17 samples collected by GMC Truck from the filter press were non-biased and adequately represent any variations that may occur in the filter press sludge. The key factor that could vary toxicant concentrations in the waste would be the use of different raw materials due to changes in the product line being manufactured. Variations in the raw materials can be expected either when the facility performs as a job shop, or when the product line changes seasonally. The petitioner has demonstrated that its Pontiac facility does not operate as a job shop nor does it have seasonal product changes. In addition, GMC Truck has described their sample collection and mixing techniques adequately. The procedure described and the number of samples taken demonstrate that the samples tested are representative of the waste. The Agency believes that the sampling period used by GMC Truck was long enough to cover any scheduled changes in the product line. Furthermore, the petitioner has shown that the filter press sludge shows non-variable concentrations of hazardous constituents throughout the sampling period. The Agency believes, therefore, that the samples are representative of the waste generated by GMC Truck.

The Agency has evaluated the mobility of the listed constituents from GMC Truck's waste using the vertical and horizontal spread (VHS) model.[21] The VHS model generated compliance point values using the 7,000 cubic yards per year maximum generation rate and the maximum extract levels reported by GMC Truck. These extract levels were determined by the EP Toxicity Test, rather than the Oily Waste EP test which is preferred for wastes with more than 1 percent oil and grease. The OWEP usually results in higher extract levels. Accordingly, the actual leachable constituent concentrations may exceed those used in the analysis here. The predicted compliance point concentrations are reported in Table 4. (When leachate concentrations were below the detection limits, the value of the detection was used.)

TABLE 4.—VHS MODEL: CALCULATED COMPLIANCE POINT CONCENTRATIONS FILTER PRESS SLUDGE (mg/l)

Listed constituents	Compliance point concentrations	Regulatory standards
Cadmium	0.016	0.01
Chromium (total)	.0078	.05
Nickel	.697	.35
Cyanide	.0032	.2

The filter press sludge exhibited chromium levels (at the compliance point) below the National Interim Primary Drinking Water Standard and cyanide levels below the U.S. Public Health Service's suggested drinking water standard.[22] The waste's maximum total cyanide and sulfide contents (1.9 and <0.1 ppm, respectively) are low enough not to be of regulatory concern from an air contamination route. That is, the Agency believes these levels to be sufficiently low so as to preclude the generation of hazardous levels of toxic gases.[23] (The capability of a cyanide-bearing waste to generate hazardous levels of toxic gases, vapors, or fumes is a property of the reactive characteristic.) These constituents, therefore, are not of regulatory concern. The predicted cadmium level, however, exceeds the corresponding National Interim Primary Drinking Water Standard and the

[21] See footnote 3.
[22] See footnote 15.
[23] See footnote 11.

predicted nickel level exceeds the Agency's interim health advisory.[24] Based on the maximum annual volume of waste generated, reported as 7,000 cubic yards per year, the maximum levels that could be exhibited for cadmium and nickel without failing the VHS model evaluation would be 0.063 ppm and 2.21 ppm, respectively. Five out of ten samples tested for cadmium and all four of the samples tested for nickel exceeded the allowable levels for these constituents. These constituents, therefore, are of regulatory concern.

The Agency also concluded through using the VHS model that the non-listed metals, except for lead, are not present in the filter press sludge at levels of regulatory concern (*i.e.*, none except lead are above the respective National Interim Primary Drinking Water Standards at the compliance point in the VHS model). The compliance point values generated from these extract levels are displayed in Table 5.

TABLE 5.— VHS MODEL: CALCULATED COMPLIANCE POINT CONCENTRATIONS/ FILTER PRESS SLUDGE (mg/1)

Non-listed constituents	Compliance point concentrations	Regulatory standards
Arsenic	0.048	0.05
Barium	.016	1.0
Lead	.052	.05
Mercury	.00009	0.002
Selenium	.006	.01
Silver	.0027	.05

The predicted maximum lead level exceeds the corresponding National Interim Primary Drinking Water Standard. Although only one sample exceeds the allowable level for lead, the Agency believes that the sample was representative and, therefore, lead concentrations may potentially contaminate the ground water.

The Agency also has evaluated the mobility of organic constituents detected in the filter press sludge using the VHS model. The VHS model generated compliance point values using the 7,000 cubic yards per year maximum generation rate and the maximum concentration of organics predicted by the Agency's organic leachate model.[25] Predicted leachate concentrations, compliance point levels, and regulatory standards are presented in Table 6.

[24] See footnote 16.

[25] See footnote 9.

Table 6.— VHS MODEL: CALCULATED LEACHATE AND COMPLIANCE POINT CONCENTRATIONS/FILTER PRESS SLUDGE (mg/1)

Constituents	Predicted leachate concentrations		Compliance point concentrations		Regulatory standards
	Baseline	95 percent	Baseline	95 percent	
Dibutyl phthalate	2.22	2.95	0.35	0.467	3.5
Formaldehyde	.257	.389	.041	.062	329.0
Isobutyl alcohol	.201	.283	.032	.045	10.5
Methylene chloride	.774	1.03	.12	.16	.056
Methyl ethyl ketone	.351	.519	.056	.082	1.75
Toluene	.112	1.28	.018	.20	10.5

The calculated compliance point concentrations for isobutyl alcohol, formaldehyde, methyl ethyl ketone, dibutyl phthalate, and toluene were below their respective regulatory standards. The calculated compliance point concentration for methylene chloride, however, was above its corresponding regulatory standard. The petitioner measured the concentration of methylene chloride in five samples collected from September 1983 to July 1985. The concentrations of methylene chloride were reported as 1, 26, 1.3, <10, and <1 ppm for these samples.[26] The concentrations of methylene chloride in the filter press sludge are, therefore, of regulatory concern.

The Agency also reviewed GMC Truck's explanation of the criteria used in deciding which organics may be present in their waste. Although GMC Truck claims that they have determined which Appendix VIII hazardous constituents may potentially enter the wastestreams generating the petitioned waste, the Agency has not received a list of raw materials or test results for all appropriate constituents on Appendix VIII. The Agency, therefore, cannot conclude that other Appendix VIII hazardous constituents, other than those tested for, are not present in the waste.

The Agency believes that GMC Truck has not demonstrated that their waste is non-hazardous. The prediction of cadmium, nickel, lead, and methylene chloride levels (at the compliance point) using the VHS model (in conjunction with the organic leachate model for methylene chloride) reveals concentrations that exceed the regulatory standards and indicates a potential for the filter press sludge to leach cadmium, nickel, lead, and methylene chloride and contaminate the ground water. The Agency, therefore, proposes to deny General Motors Corporation Truck and Coach Division's petition for exclusion of its wastewater treatment sludge generated at its Pontiac, Michigan facility and revoke their temporary exclusion.

[26] The maximum value, 26 ppm, differs enough from the remaining four values that it appeared to be an outlier. Consequently, the Dixon Extreme Value Test was applied to the data point. The test suggests that, within a 99 percent level of significance, the data point is valid and cannot be considered an outlier.

V. McLouth Steel Products Corporation

A. Petition for Exclusion

McLouth Steel Products Corporation (McLouth), located in Trenton, Michigan, is an integrated facility that employs basic oxygen furnaces (BOF) and electric arc furnaces (EAF) for steel making. McLouth has petitioned the Agency to exclude its dust/ sludge, presently listed as EPA Hazardous Waste No. K061 -Emission control dust/ sludge from the primary production of steel in electric furnaces. The listed constituents of concern for EPA Hazardous Waste No. K061 are chromium, lead, and cadmium. McLouth has petitioned the Agency to exclude its waste because they claim it does not meet the criteria for which it was listed.

After reviewing their initial petition, McLouth was granted a temporary delisting for this waste on May 5, 1982. The Agency's basis for granting the temporary exclusion was the low migration potential of the constituents of concern, namely cadmium, hexavalent chromium, and lead. Since that time, the Hazardous and Solid Waste Amendments (HSWA) of 1984 were enacted. In part, the Amendments require the Agency to consider factors (including additional toxicants) other than those for which the waste was listed, if the Agency has a reasonable basis to believe that such factors are present and could cause the waste to be hazardous. (See section 222 of the Amendments, 42 U.S.C. 6921(f).) As a result, the Agency has re-evaluated McLouth's petition to: (1) Determine whether the temporary exclusion should be made final based on the original listing criteria; and (2) determine if the waste is non-hazardous with respect to factors and toxicants other than the original listing criteria. Today's notice is the Agency's re-evaluation of McLouth's petition.

The Agency has, therefore, requested additional information from McLouth, as required under the Amendments; and has evaluated this information for factors (other than those for which the

waste was listed) to determine whether the waste is non-hazardous. The Agency has also reevaluated McLouth Steel's petition to determine whether the final exclusion should be granted on the factors for which the waste was originally listed. This notice presents the results of the Agency's re-evaluation of this petition.

In support of their petition, McLouth Steel has submitted a detailed description of their manufacturing process and waste treatment processes, including: schematic diagrams; results from total constituent analyses for barium, cadmium, chromium, lead, mercury, and selenium; and results from EP leachate analyses for all of the EP toxic metals and nickel; and results from total constituent analysis and water leachable test results for cyanide. McLouth has also submitted results from analyses for total oil and grease content; and lists of raw materials and material safety data sheets for trade name products. The Agency requested much of this information, as noted above, to determine whether hazardous constituents, other than those for which the waste was originally listed, are present in the waste at levels of regulatory concern.

McLouth operates two electric arc furnaces each with a 200 ton capacity. These furnaces are charged with 110 tons of iron and steel scrap which is then melted to allow production of rolled steel end-products. Their emission control system uses wet collectors to eliminate excessive discharge of particulates and volatilized components to the atmosphere and a wet spark box to collect heavier particles as soon as they leave the furnaces. Under normal operating conditions, the waste accumulates at a rate of 5 tons per week.

The overhead emission control system is controlled by an induced draft fan which pulls gases and the lighter particulates from the top of the furnances. This air flow is passed through a packed tower, Thyssen wheel, and mist eliminator, respectively, before venting to the atmosphere. The materials separated from the air flow during the process are flushed to the sump pit area where the solids are allowed to settle out and the water is recycled back to the emission control system. The solids collected in the sump pit are in the form of a sludge and accumulate at a rate of 250 tons per week during normal operations. (The total accumulation of waste is approximately 255 tons/week during normal operation). The sump pit is cleaned using a clam bucket and dump trucks. McLouth collected nine composite samples from the wet spark box settling chamber, the emission control recycle-water sump pit, and the sludge storage area on September 29, 1980, March 31, 1981, July 7, 1981, August 19, 1983, and August 23, 1985. Individual samples were collected by a Wildco sediment sampler and combined to form composite samples. McLouth claims that these samples are representative of any variation of the listed and non-listed constituent concentrations in the wastestream. The sampled wastes represent generation over week-long periods, or longer for the storage pile and are believed by McLouth to be representative of any short-term variations in the waste. In addition, since the manufacturing processes do not vary over time, siqnificant long-term variations in waste composition are not expected to occur. Consequently, McLouth believes that the samples collected and analyzed fully characterize their waste.

Total constituent analyses for the listed and non-listed constituents revealed the maximum concentrations reported in Table 1.

TABLE 1.—MAXIMUM TOTAL CONSTITUENT CONCENTRATIONS

Constituents	Emission control sludge (mg/kg)
Arsenic	X
Barium	43.9
Cadmium	13.7
Chromium	441.0
Lead	1,637.0
Mercury	.068
Selenium	.10
Silver	X
Nickel	X
Sulfide	X
Cyanide	X

X=Procedure not performed.

EP leachate analyses of the sludge samples for the listed and non-listed constituents revealed the maximum concentrations reported in Table 2.

TABLE 2.—MAXIMUM EP LEACHATE CONCENTRATIONS

Constituents	Emission control sludge (mg/1)
Arsenic	0.10
Barium[1]	62.0
Cadmium	.673
Chromium	.10
Lead	2.4
Mercury	<.003
Selenium	.10
Silver	.05
Nickel	.07
Cyanide	.55

[1] This extract concentration is greater than the total concentration reported in Table 1, but is not generated from the same sample. The sample from which the maximum EP extract level was noted was not tested for total barium content.

The maximum total oil and grease reported was 0.58 percent. McLouth also submitted a list of raw materials used. This list indicated that no Appendix VIII hazardous constituents, other than those tested for, are used in their manufacturing process and that formation of any of these constituents is highly unlikely. In addition, McLouth provided test data indicating that the sludge is not ignitable, reactive, or corrosive. Further, McLouth claims to generate a maximum of 255 cubic yards of waste per week or 6,000 cubic yards per year.

B. Agency Analysis and Actions

McLouth Steel Products Corporation has failed to sufficiently demonstrate that the sludge generated at their Trenton, Michigan facility is non-hazardous. Although some variability in McLouth's waste can be expected since 35% of the steel scrap McLouth Steel used is purchased from outside suppliers, the sampling period is expected to cover this type of variation. The Agency believes, however, that the samples collected were non-biased and adequately represent any variations that may occur in the waste petitioned for exclusion. The Agency therefore concludes that analytical information provided by McLouth is representative of the waste.

The Agency has evaluated the mobility of the constituents from McLouth's waste sludge using the vertical and horizontal spread (VHS) model.[27] The Agency's evaluation of McLouth's wastes is based on the maximum volume of waste that could be generated on a yearly basis given the volume of waste generated on a weekly basis. Accordingly, EPA is using 13,260 cubic yards as the maximum yearly volume of waste, not the 6,000 cubic yards claimed by McLouth in their petition.[28] The VHS model was used to generate compliance-point concentrations using 13,260 cubic yards and the maximum reported extract concentrations as input parameters. These concentrations are presented in Table 3.

[27] See footnote 3.

[28] Using the 6,000 cubic yards claimed by McLouth would still result in compliance point concentrations for barium, cadmium, lead, mercury, and selenium above their regulatory standards.

TABLE 3.— VHS MODEL: CALCULATED COMPLIANCE POINT CONCENTRATION (mg/l)

Constituents	Compliance point concentrations	Regulatory standards
Arsenic	0.015	0.05
Barium	9.8	1.0
Cadmium	.11	.01
Chromium	.016	.05
Lead	.38	.05
Mercury	.0005	.002
Selenium	.016	.01
Silver	.007	.05
Nickel	.011	.350
Cyanide	.067	.02

The listed constituents cadmium and lead levels exhibited concentration (at the compliance point) significantly above the National Interim Primary Drinking Water Standards (NIPDWS). In addition, the non-listed constituents barium and selenium also exceeded their respective NIPDWS levels, while cyanide exceeded the U.S. Public health Service's suggested drinking-water standard.[29] The sludge did not exhibit hazardous levels of arsenic, chromium, mercury, silver, or nickel,[30] thus the presence of these constituents is not considered to be of regulatory concern in McLouth's waste.

The potential for the listed constituents cadmium and lead in the waste and the non-listed constituents barium and selenium to leach from the wastes at hazardous levels has caused the Agency to conclude that this waste is hazardous. The Agency, therefore, has concluded that McLouth Steel Products Corporation's waste, generated at their Trenton, Michigan facility could present a significant hazard to both human health and the environment. The Agency believes that the waste should therefore be considered hazardous and subject to regulation under 40 CFR Parts 262 through 265 and the permitting standards of 40 CFR Part 270. The Agency, therefore, proposes to deny McLouth Steel Corporation's petition for final exclusion and to revoke their temporary exclusion.

VI. Olin Corporation

A. Petition for Exclusion

Olin Corporation, Smokeless Powder Plant (Olin), located in St. Marks, Florida, manufactures BALL POWDER® propellant. Olin has petitioned the Agency to exclude its treated sludge, presently listed as EPA Hazardous Waste No. K044—Wastewater treatment sludges from the manufacturing of explosives; and EPA Hazardous Waste No. K046—Wastewater treatment sludges from the manufacturing, formulation and loading of lead-based initiating compounds. The K044 wastestream is listed solely for reactivity, and lead is the listed constituent of concern for the K046 waste.

Based upon the Agency's review of their petition, Olin was granted a temporary exclusion on November 22, 1982 (see 47 FR 52673). The basis for granting the exclusion, at that time, was the non-reactive nature of the waste, and the low concentration of lead in the waste. Since that time, the Hazardous and Solid Waste Amendments were enacted. In part, the Amendments require the Agency to consider factors (including additional constituents) other than those for which the waste was listed, if the Agency has a reasonable basis to believe that such additional factors could cause the waste to be hazardous. (See section 222 of the Amendments, 42 U.S.C. 6921(f).) In anticipation of either enactment of this legislation or regulatory changes by the Agency, EPA requested additional information from Olin. This information was submitted on November 21, 1985 and January 30, 1986. As a result, the Agency has re-evaluated Olin's petition to: (1) Determine if the temporary exclusion should be made final based on the factors for which the waste was originally listed and (2) evaluate the waste for factors (other than those for which the waste is listed) to determine if the waste is non-hazardous. Today's notice is the result of our re-evaluation of their petition.

Olin has submitted a detailed description of its manufacturing and treatment processes (including schematic diagrams); total constituent analyses and EP toxicity test results of the sludge for lead; and reactivity test results. Olin also submitted total constituent analyses and EP toxicity test results of the sludge for chromium, cadmium, arsenic, barium, mercury, selenium, silver, and nickel; as well as total constituent analyses and distilled water leachate test results for cyanide. Olin provided test results for reactive cyanide and sulfide. It was determined, after a review of Olin's raw materials list, that benzene, 2,4-dinitrotoluene, 2,6-dinitrotoluene, di-n-butyl phthalate, diphenylamine, and nitrogylcerine have the potential to enter Olin's wastewater treatment system; therefore, Olin submitted total constituent analyses for these compounds. The Agency requested this information, as noted above, to determine if hazardous constituents, other than those for which the waste was originally listed, are present in the at levels of regulatory concern.

Olin manufactures BALL POWDER® propellants for fastening devices. Nitrocellulose is dissolved to form a lacquer (the nitrocellulose is obtained by extraction from surplus cannon powder, extraction from reject powder, and bought as pure nitrocellulose); this lacquer is continuously extruded into small cylinders, shaped into balls, and then hardened. The grains are separated, nitroglycerine and deterrent are added, and the propellent is then dried and packaged. All of the aqueous wastestreams from the plant flow to the wastewater treatment unit. The wastewater initially enters settling tanks to remove most of the entrained powder, and then flows to an equalization tank. The wastewater is then fed to an extended aeration system where it is biologically treated. The treated wastewater is separated from the biological mass and entrained solids in a clarifier. The wastewater is disinfected with chlorine, sent to a polishing pond, and enters a spray field. Sludge is periodically emptied from the bottom of the clarifier to an aerobic digester. After digestion, the sludge is dumped on drying beds; the effluent is collected and returned to the wastewater treatment unit. The sludge is shoveled from the beds and disposed of on the land adjoining the drying beds; this waste is the subject of the petition.

Olin collected and analyzed 28 composite samples from the waste piles used to store the waste (the waste is an average of 90% solids). The piles were divided into grids of approximately 100 square feet, and 10 to 30 increments of sludge were composited from each section. Four samples were collected in September, 1985, and represent waste that was deposited from November, 1984 to August, 1985; these samples were analyzed for the EP toxic metals. Four samples were collected in the same manner in June, 1984, and again in June, 1985 (representing waste deposited before 1984 and 1985); these samples were analyzed for the organic constituents that have the potential to be present in the waste at levels of regulatory concern. Eight additional samples were collected in March, 1986, and analyzed for cadmium.[31]

[29] See footnote 15.

[30] See footnote 16.

[31] Olin's initial petition was based on samples collected from the waste piles: 8 samples were analyzed for lead (K046 is listed for lead), and 4 samples were analyzed for the remainder of the EP toxic metals. Olin has since discontinued formulation of the lead-based initiating compounds, thus eliminating the K046 waste listing. The petition still considers the K046 listing because this waste remains stored on site.

Olin also collected and analyzed 14 composite samples from the drying beds. The beds were divided into quadrants, and five core samples were composited from each quadrant. The beds were sampled in November, 1983 (these samples were analyzed for the metals and the organics), June, 1984, and June and September, 1985 (only organics testing was performed on these samples).

Olin believes that these samples, which represent at least four years of waste production, are representative of their waste. The petitioner further claims that the manufacturing processes used at the facility are operated in a consistent manner, and that the use of raw materials does not vary over time.

Four samples of Olin's waste were sent to the Bureau of Explosives in Edison, New Jersey for reactivity testing (§ 261.23(a) (1–8)). The rapid heat test showed no evidence of change up to 130 °C, and no violent reaction when temperatures were raised to 325 °C. In addition, the material did not ignite, explode or detonate when subjected to the force of an electric blasting cap. The treatment sludge does not react violently with water or form a potentially explosive mixture with water; the sludge material is in contact with water throughout the activated treatment and digestion cycle, and tests run by the Bureau of Explosives showed no heat or gas evolution when the sludge was contacted with water. Olin also ran tests for reactive cyanide and sulfide; cyanide results ranged from <0.2 to 11 ppm of HCN/g, and sulfide concentrations ranged from 0.55 to 55 ppm of H_2S/g.

The maximum total constituent concentrations and EP toxicity test results of the sludge for the lead, as well as the non-listed EP toxic metals, nickel, and cyanide, are exhibited in Table 1.

TABLE 1.—MAXIMUM CONCENTRATIONS (ppm)

Constituents	Drying Beds		Waste Piles	
	Total constituent analyses	EP leachate results	Total constituent analyses	EP leachate results
Pb	123	0.14	158	0.02
As	12	.03	14	.03
Ba	87	.25	86	.09
Cd	4	<.01	6	[1].11
Cr(total)	1,313	.24	1,320	.18
Hg	1.1	<.01	<5	<.01
Ni	32	.02	50	.11
Se	<15	<.02	<15	<.01
Ag	<6.5	<.01	<6.5	.01
CN	NA	<.01	.41	<.01

NA: Not available.
<: Denotes concentrations below the detection limit.
[1] The maximum EP leachate value reported for cadmium (0.21 ppm) is considered an outlier using Dixon's "Extreme Value Test." The second highest EP value reported for cadmium is, therefore, used in the petition evaluation (14 samples were analyzed for cadmium).

Olin also submitted a raw materials list which indicated that certain organics may be present in the waste at levels of regulatory concern. The maximum concentrations found in the waste for these constituents are presented in Table 2.

TABLE 2.—MAXIMUM CONCENTRATIONS (ppm)

Constituents	Drying beds	Waste piles
Benzene	0.02	0.02
2,4-Dinitrotoluene	3.2	27.6
2,6-Dinitrotoluene	.11	2.7
Di-n-butyl-phthalate	119	78.7
Diphenylamine	198	71.9
Nitroglycerine	<1	<1

<: Denotes concentrations below the detection limit.

The total oil and grease value reported for Olin's waste is <0.01 percent. Olin's list of raw materials indicated that no Appendix VIII hazardous constituents, other than those tested for, are used in the process and that formation of any of these constituents is highly unlikely. Olin claims to generate a maximum of 240 tons of waste annually, and there are approximately 2,800 tons of waste currently deposited on site.

B. Agency Analysis and Action

Olin has not demonstrated that its wastewater treatment system generates a non-hazardous sludge. The Agency believes that the 28 composite samples collected from the waste piles, and the 14 composite samples collected from the drying beds, are non-biased and adequately represent any variations that may occur in the waste petitioned for exclusion. The key factor that could vary toxicant concentration in the waste would be the use of different raw materials due to changes in the product line being manufactured. Olin is not a job shop nor does it have seasonal product variations; therefore, the Agency believes Olin's claim that manufacturing and wastewater treatment processes are uniform and consistent. The Agency believes that the samples collected are representative of the waste generated by Olin.

The Agency has evaluated the mobility of the waste using the vertical and horizontal spread (VHS) model.[32] The Agency's evaluation of Olin's waste, using the maximum estimated sludge volume and reported EP leachate concentrations as input parameters, has resulted in the maximum predicted compliance-point concentrations for lead, and the non-listed metals, exhibited in Table 3.

[32] See footnote 3.

TABLE 3.—VHS MODEL: CALCULATED COMPLIANCE-POINT CONCENTRATIONS (ppm)

Constituents	Compliance point concentrations		Regulatory standard
	Drying beds	Waste piles	
Pb	0.02	0.02	0.05
As	.004	.004	.05
Ba	.03	.012	1
Cd	.003	.015	.01
Cr(total)	.03	.02	.05
Hg	.001	.001	.002
Ni	.03	.015	.35
Se	.003	.001	.01
Ag	.001	.001	.05
CN	.001	.001	.2

The drying bed and waste pile samples exhibited lead levels (at the compliance point) below the National Interim Primary Drinking Water Standard. The predicted concentration of cadmium at the compliance point for the waste piles, however, exceeds the National Interim Primary Drinking Water Standard for cadmium. The levels of the remaining EP toxic metals, nickel, and cyanide are below their respective regulatory standards at the compliance point. These constituents, therefore, are not of regulatory concern.

The Agency evaluated the mobility of the organic constituents of concern in Olin's waste using the Organics Leachate Model (OLM).[33] Once a leachable concentration of the constituent is determined, this level is used in the VHS model in order to calculate the concentration of the organic at a compliance point (see Table 4).

TABLE 4.—VHS MODEL: CALCULATED COMPLIANCE-POINT CONCENTRATIONS (ppm)

Constituents	Drying beds		Waste piles		Regulatory standards
	(Base)	(95%)	(Base)	(95%)	
Benzene	0.00007	0.0001	0.0003	0.0003	0.0012
2,4-Dinitrotoluene	.0011	.0014	.0209	.0251	.00011
2,6-Dinitrotoluene	.0002	.0004	.0087	.0104	.2
Di-n-butyl phthalate	.0043	.0052	.0144	.0172	3.5
Diphenylamine	.0084	.0101	.0185	.0219	2
Nitroglycerine	.0009	.0012	.0041	.0054	.00046

The model predicts benzene, 2,6-dinitrotoluene, di-n-butyl phthalate, and diphenylamine levels, at the compliance point, below their regulatory standards. The predicted concentration of 2,4-dinitrotoluene, however, is above its regulatory standard. The model predicts that 2,4-dinitrotoluene may leach from

[33] See footnote 9.

the waste and contaminate ground water. Olin claims that the nitrocellulose matrix of the waste will immobilize the 2,4-dinitro- toluene. The Agency has no basis to believe that the matrix effects exhibited by nitrocellulose should be very different than those exhibited by the waste matrices which were used to develop the OLM database; the database includes results from leachate tests on a wide variety of waste types. A study performed by ERCO[34] demonstrates that cellulose acts as a fairly typical organic absorptive material; polynuclear aromatic hydrocarbons are strongly retained while other compounds (*e.g.*, 2-nitrophenol and cresols) are only weakly retained. There is also no evidence to conclude that under reasonable mismanagement scenarios 2,4-dinitrotoluene would remain bound to the nitrocellulose. In addition, there is evidence that solvents may be displaced or washed from waste solids or sorbents by water percolating through landfills, and it is possible that solvents can be squeezed out of wastes due to overburden pressures at landfills (see 51 FR 1715, January 14, 1986).

Nitroglycerine was not detected at 1 ppm in the waste; additional analyses were not requested, however. The Agency notes that where hazardous constituents in a waste are determined to be non-detectable using appropriate analytical methods, the Agency will as a matter of policy not regulate the waste as hazardous.

The Agency believes that the waste generated by the manufacturing process at Olin is not rendered non-hazardous by the waste treatment system. The analysis of the waste using the VHS and OLM models indicates the potential of the waste to leach cadmium and 2,4-dinitrotoluene and contaminate ground water. The Agency, therefore, proposes to deny this petition for exclusion of wastewater treatment sludge produced by Olin Chemical Company at its St. Marks, Florida facility, and to revoke their temporary exclusion.

VII. Welsh Company of the South

A. Petition for Exclusion

Welsh Company of the South, (Welsh), located in Union Springs, Alabama, is involved in the electroplating of steel furniture parts. Welsh has petitioned the Agency to exclude its wastewater treatment sludge presently listed as EPA Hazardous Waste No. F006—Wastewater treatment sludges from electroplating operations except from the following processes: (1) Sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc, and aluminum platlng on carbon steel; and (6) chemical etching and milling of aluminum. The listed constituents of concern for this waste are cadmium, hexavalent chromium, nickel, and cyanide (complexed).

Based upon the Agency's review of the petition (at that time), Welsh received a temporary exclusion in May 1982. The Agency then requested additional information from Welsh since that time, the Hazardous and Solid Waste Amendments of 1984 were enacted. In part, the Amendments require the Agency to consider factors (including additional toxicants) other than those for which the waste was listed, if the Agency has a reasonable basis to believe that such additional factors could cause the waste to be hazardous. (See section 222 of the Amendments, 42 U.S.C. 6921(f).) As a result, the Agency has re-evaluated Welsh's petition to: (1) Determine whether the temporary exclusion should be made final based on the factors for which the waste was originally listed; and (2) determine whether the waste is nonhazardous with respect to factors and toxicants other than those for which the waste was originally listed. Today's notice is the result of the Agency's re-evaluation of Welsh's petition.

In support of their petition, Welsh has submitted a detailed description of its manufacturing and treatment processes, including schematic diagrams; total constituent analyses and EP toxicity test results of the filter press sludge for cadmium, total chromium, and nickel; and analytical results for total and leachable cyanide and total sulfide. Welsh also submitted total constituent analyses and EP toxicity test results for arsenic, barium, lead, mercury, selenium, and silver, and results of total oil and grease analyses on representative waste samples. Welsh further submitted a list of raw materials used in the manufacturing process. As noted above, the Agency requested much of this information to determine whether toxicants, other than those for which the waste was originally listed, are present in the waste at levels of regulatory concern.

Welsh's manufacturing process includes plating of steel parts used in the manufacture of children's furniture. The parts undergo both nickel and chrome plating, rinsing, and assembly at the plant. Welsh claims that cadmium and cyanide are not used in their process. Chrome-bearing wastes are treated in a chrome reduction tank to reduce the chrome to the trivalent state using sodium bisulfite. The wastes are mixed in a neutralizer with the cleaning wastewaters and lime. The wastewater is clarified, decanted, and discharged to the sewer system. The resulting sludge is dewatered on a plate and frame press. The dewatered sludge is then hauled to a landfill. Welsh claims that its treated wastewater sludge is non-hazardous because the constituents of concern are present either in insignificant concentrations or, if present at significant levels, are essentially in immobile forms. Welsh also believes that the waste is not hazardous for any other reason.

In support of their original delisting petition, Welsh presented analytical data on nine composite samples collected from the filter press. Each composite sample was composed of four grab samples collected from the filter press on each sampling date. The grab samples were collected at random times over a 1-year period during 1980 and 1981. In response to Agency requests for additional information, Welsh collected four additional samples in September and October 1985. Ignitability, corrosivity, total sulfides, and total oil and grease test results were submitted. In addition, one sample was analyzed for total concentrations of the EP toxic metals, nickel, and cyanide; one sample was tested for leachable concentrations of the EP toxic metals and nickel; and two samples were tested for leachable cyanide. Overall, a total of 13 filter press sludge samples were collected and analyzed for various parameters. In all cases, at least four representative samples were analyzed for total and leachable concentrations of the EP toxic metals, nickel, and cyanide. Welsh claims that all samples collected are representative of any variation of the listed and non-listed constituent concentrations in the waste. In addition to Welsh's sampling efforts, the State of Alabama's Department of Environmental Management collected one sample of the sludge from the filter press.

Total constituent and EP toxicity analyses of the filter press sludge samples analyzed by Welsh for the listed constituents revealed the maximum concentrations reported in Table 1.

[34] ERCO/A Division of Enseco, May 1985. "Solvent Power," Hazardous Waste Identification and Listing Support. Final Report. Contract No. 68-01-6467.

TABLE 1.—MAXIMUM CONCENTRATIONS

Listed constituents	Total constituent analyses (mg/kg)	EP leachate analyses (mg/1)
Cadmium	100	0.09
Chromium (total)	157,400	4.55
Nickel	51,600	18.0
Cyanide[1]	600	.194

[1] From distilled water leach test. Distilled water is used rather than the normal acidic EP extraction medium to avoid the destruction of cyanide during the extraction procedure.

Total constituent and EP toxicity analyses of the filter press sludge for the non-listed EP toxic metals revealed the maximum concentrations reported in Table 2. Welsh also analyzed the filter press sludge for total sulfides; the maximum concentration in the sludge was 0.05 ppm.

TABLE 2.— MAXIMUM CONCENTRATIONS

Non-listed constituents	Total constituent analyses (mg/kg)	EP leachate analyses (mg/1)
Arsenic	80	0.09
Barium	3,500	2.40
Lead	2,050	.26
Mercury	<20	<.005
Selenium	6	<.01
Silver	<20	.03

<: Denotes concentrations below the detection limit.

The sludge sample collected by the State of Alabama from the filter press were analyzed for leachable concentrations of the EP metals, nickel, and cyanide. These concentrations are reported in Table 3.

TABLE 3.— MAXIMUM CONCENTRATIONS

Constituents	EP leachate analyses (mg/1)
Arsenic	<0.01
Barium	<.5
Cadmium	<.05
Chromium	3.62
Lead	<.5
Mercury	.001
Nickel	196
Selenium	<.01
Silver	<.05
Cyanide	.2

<: Denotes concentrations below the detection limit.

The maximum total oil and grease value reported by Welsh for the filter press sludge was 0.05 percent. Welsh also submitted a list of all raw materials used in its manufacturing and wastewater treatment processes. Welsh also provided test data indicating that the filter press sludge is not ignitable, corrosive, or reactive. Welsh claims to generate a maximum of 70 tons of sludge per year.

B. Agency Analysis and Action

Welsh has not demonstrated that its waste treatment system produces a non-hazardous sludge. The Agency believes that the 13 samples collected by Welsh from the filter press over a period of more than 1 year and the additional sample collected by the State of Alabama visit were non-biased and adequately represent any variations that may occur in the sludge. In Welsh's case, one of the key factors that can cause variations in the constituent concentrations is the periodic dumping of plating baths into the wastestream. Although Welsh indicated that plating baths are dumped on a monthly basis and that two of the samples were collected during these times, the Agency does not feel that enough samples were collected at a frequency that will support this claim. Therefore, although the Agency believes that the samples collected represent variations that occur in the waste during normal plating operations, the Agency does not have enough data to support the claim that the baths are dumped only once a month.

The Agency has evaluated the mobility of the listed constituents from Welsh's waste using the vertical and horizontal spread (VHS) model.[35] The VHS model generated compliance point values using, as model input parameters, the reported maximum waste generation rate of 70 tons per year and the maximum extract levels reported by Welsh or the State of Alabama. These predicted compliance point concentrations are reported in Table 4. (When leachate concentrations were below the detection limits, the value of the detection was used.)

TABLE 4.— VHS MODEL: CALCULATED COMPLIANCE POINT CONCENTRATIONS (mg/1)

Listed constituents	Compliance point concentrations	Regulatory standards
Cadmium	0.003	0.01
Chromium (total)	.14	.05
Nickel	[1]6.06	.35
Cyanide	[1].006	.2

[1] Denotes maximum concentration obtained from the State of Alabama's sampling results.

The filter press sludge exhibited cadmium levels (at the compliance point) below the National Interim Primary Drinking Water Standard and cyanide levels below the U.S. Public Health Service's suggested drinking water standard.[36] The filter press sludge, however, exhibited chromium levels that result in compliance point values that exceed the National Interim Primary Drinking Water Standard and nickel levels above the Agency's interim standard.[37] Chromium and nickel are, therefore, of regulatory concern.

The Agency also concluded, through using the VHS model, that the other EP toxic metals are not present in the sludge at levels of regulatory concern (i.e., none are above the respective National Interim Primary Drinking Water Standards at the compliance point in the VHS model). The compliance point values generated from these extract levels are displayed in Table 5.

TABLE 5.— VHS MODEL: CALCULATED COMPLIANCE POINT CONCENTRATIONS (mg/1)

Non-listed constituents	Compliance point concentrations	Regulatory standards
Arsenic	0.003	0.05
Barium	.074	1.0
Lead	[1] <.015	.05
Mercury	<.0002	.002
Selenium	<.0003	.01
Silver	[1] <.0015	.05

[1] Denotes maximum concentration obtained from the State of Alabama's sampling results.

The waste's maximum sulfide content (<0.05 mg/l) is low enough to not be of regulatory concern from an air contamination route. That is, the Agency believes this level to be sufficiently low so as to preclude the generation of hazardous levels of toxic gases. (The capability of a sulfide-bearing waste to generate hazardous levels of toxic gases, vapors, or fumes is a property of the reactive characteristic.) The waste's maximum cyanide level (600 mg/l), however, is of concern to the Agency with respect to potential toxic gas generation from an air contamination route since it exceeds the interim threshold for reactive cyanide (250 ppm).[38] Since Welsh has only provided total cyanide data, and has not performed reactive cyanide analyses, the Agency is unable to determine whether reactive cyanide levels exceed this interim threshold. Cyanide levels in the waste, therefore, are of potential concern. Welsh also has demonstrated that the filter press sludge does not demonstrate the characteristics of ignitability and corrosivity. The Agency also reviewed Welsh's raw materials list, and material safety data sheets for each component in the raw materials list. The Agency has concluded from this

[35] See footnote 3.
[36] See footnote 15.
[37] See footnote 16.
[38] See footnote 11.

review that no other Appendix VIII hazardous constituents are present in the waste.

The Agency believes that Welsh has not demonstrated that their waste is non-hazardous. The prediction of chromium and nickel levels (at the compliance point) using the VHS model indicates the sludge may leach chromium and nickel at sufficient levels to contaminate ground water.[39] The Agency, therefore, proposes to deny Welsh Company of the South's petition for exclusion of the wastewater treatment sludge generated at its Union Springs, Alabama facility and revoke their temporary exclusion.[40]

VIII. Effective Date

The Hazardous and Solid Waste Amendments of 1984 amended Section 3010 of RCRA to allow rules to become effective in less than six months when the regulated community does not need the six-month period to come into compliance. For the seven petitioners who may have their temporary exclusions revoked and their final exclusions denied, however, this is not the case. These petitioners may be required to revert back to handling their wastes as they did before they were granted their temporary exclusions (i.e., they must handle their waste as hazardous). These petitoners would need some time to come into compliance with the RCRA hazardous waste management system. Accordingly, the effective date of the revocation of these temporary exclusions would be six months after publication of the final rule in the **Federal Register.**

IX. Regulatory Impact

Under Executive Order 12291, EPA must judge whether a regulation is "major" and, therefore, subject to the requirement of a Regulatory Impact Analysis. This proposal is not major even though it would also revoke a total of seven temporary exclusions and deny final exclusions to these facilities. The effect of this proposal would increase the overall costs for these seven facilities which currently have a temporary exclusion. The actual cost to these companies, however, would not be significant. In particular, in calculating the amount of waste that is generated by these facilities and considering a disposal cost of $300/ton, the increased cost to these facilities is approximately $17.6 million, well under the $100 million level constituting a major regulation.

X. Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601–612, whenever an Agency is required to publish a general notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis which describes the impact of the rule on small entities (*i.e.,* small businesses, small organizations, and small governmental jurisdictions). The Administrator may certify, however, that the rule will not have a significant economic impact on a substantial number of small entities.

This amendment will have the effect of increasing overall waste disposal costs. Some of the facilities being denied in this notice may be considered small entities, however, this rule only effects seven facilities in different industrial segments. The overall economic impact, therefore, on small entities is small. Accordingly, I hereby certify that this proposed regulation will not have a significant economic impact on a substantial numbers of small entities.

This regulation, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 261

Hazardous Waste, Recycling.

Authority: Sec. 3001 RCRA, 42 U.S.C. 6921.

Dated: October 15, 1986.

Jeffery D. Denit,

Acting Assistant Administrator, Office of Solid Waste and Emergency Response.

[FR Doc. 86–23751 Filed 10–21–86; 8:45 am]

BILLING CODE 6560–50–M

[39] The Agency notes that Welsh claimed averages should be used, however, there is not enough test data to allow this alternative as a statistically defensible option. Furthermore, the Agency notes that even if weighted averages are used and the baths are assumed to be dumped only once a month, the resulting nickel extract level would still fail the VHS analysis. The Agency ran weighted maximums from waste volumes assumed to be associated with spent bath generation (18 tons per year) and plating waste not associated with spent baths (52 tons per year). The resulting concentration for nickel at the compliance point (49.7 ppm) was still above the Agency's interim standard.

[40] The Agency notes that if the petitioner can segregate the waste generated from the spent baths it may be possible to make a successful demonstration for the plating waste generated at all other times. A new petition would have to be filed if this process change were made.

FEDERAL EMERGENCY MANAGEMENT AGENCY

Federal Insurance Administration

44 CFR Part 67

[Docket No. FEMA-6902]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations and proposed modified base flood elevations listed below for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: John L. Matticks, Acting Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2767.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the proposed determinations of base (100-year) flood elevations and modified base flood elevations for selected locations in the nation, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

These elevations, together with the flood plain management measures required by section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not

have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

List of Subjects in 44 CFR Part 67.

Flood insurance, Flood plains.

The authority citation for Part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq., Reorganization Plan No. 3 of 1978, E.O. 12127.

The proposed base (100-year) flood elevations for selected locations are:

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
ARKANSAS	
Montgomery County	
Ouachita River:	
Approximately .90 mile downstream of confluence of Wheat Creek	*612
At confluence of West Spring Branch	*643
At confluence of Fulton Branch	*663
At confluence of Hackberry Creek	*686
Approximately .6 mile upstream of confluence of Cedar Creek	*726
Maps available for inspection at the County Courthouse, Mount Ida, Arkansas.	
Send Comments to The Honorable D.E. Abernathy, Montgomery County Judge, County Courthouse, Mount Ida, Arkansas 71957.	
Stone County	
White River:	
Confluence of Cayens Creek	*311
Confluance of Rocky Bayou	*322
Approximately 2.4 miles downstream of State Route 9 Bridge	*334
Approximately 850 feet downstream of confluence of Livingston Creek	*345
Approximately .4 mile downstream of confluence of Sugarloaf Creek	*363
At Baxter County boundary	*378
Livingston Creek:	
At confluence with White River	*345
Approximately 200 feet downstream of Old State Route 5 Bridge	*364
Approximately .8 mile upstream of Old State Route 5 Bridge	*392
Approximately 1.3 miles upstream of Old State Route 5 Bridge	*418
Approximately 1.8 miles upstream of Old State Route 5 Bridge	*442
South Sylamore Creek:	
At Swing Bridge Road	*340
Approximately .6 mile downstream of State Route 87 Bridge	*356
Approximately .4 mile upstream of State Route 87 Bridge	*365
Mill Prong Tributary:	
At confluence with Mill Prong	*610
Approximately .6 mile upstream of confluence with Mill Prong	*638
Approximately .8 mile upstream of confluence with Mill Prong	*659
Approximately 1.1 miles upstream of confluence with Mill Prong	*678
Approximately 1.7 miles upstream of confluence with Mill Prong	*711
Mill Prong:	
At confluence with Rocky Bayou	*485
Approximately .45 mile upstream of confluence with Rocky Bayou	*510
Approximately .8 mile upstream of confluence with Rocky Bayou	*532
Approximately 1.1 miles upstream of confluence with Rocky Bayou	*563
Approximately 1.4 miles upstream of confluence with Rocky Bayou	*585
At confluence of Mill Prong Tributary	*610
Rocky Bayou:	
Approximately 8.2 miles upstream of confluence with the White River	*401
At confluence of Wade Hollow	*414
Approximately 1.400 feet upstream of State Route 14 Bridge	*435
Approximately 1.2 miles upstream of State Route 14 Bridge	*465
At confluence with Mill Prong	*484
Maps available for inspection at the County Courthouse, Mountain View, Arkansas.	
Send comments to The Honorable Dean Hall, Stone County Judge, County Courthouse, Mountain View, Arkansas 72560.	
Van Buren County	
Middle Fork Little Red River:	
At river mile 4.5	*520
At river mile 9.05	*551
South Fork Little Red River:	
At river mile 26.9	*534
At river mile 29.09	*541
Choctaw Creek:	
At river mile 1.015	*493
At river mile 3.6	*541
At river mile 5.44	*614
Weaver Creek:	
At confluence with Middle Fork Little Red River	*522
Upstream side of State Route 16	*529
At river mile 2.77	*552
Scotland Branch:	
At river mile 0.76	*626
At river mile 1.6	*663
At river mile 1.98	*685
Scroggins Creek:	
At river mile 0.77	*621
At river mile 3.2	*711
At river mile 5.48	*779
East Fork Point Remove Creek:	
At river mile 3.855	*702
At river mile 4.50	*756
At river mile 5.50	*833
At river mile 6.20	*878
Beardy Branch:	
At river mile 1.02	*662
At river mile 1.89	*714
Big Branch:	
At river mile 0.62	*492
At river mile 1.74	*561
Joneed Creek:	
At confluence with Scotland Branch	*672
At river mile 0.3	*688
Beardy Branch Tributary:	
At confluence with Beardy Branch	*714
At river mile 0.6	*768
Maps available for inspection at the County Courthouse, Clinton, Arkansas.	
Send comments to The Honorable J.D. Payne, Van Buren County Judge, County Courthouse, Clinton, Arkansas 72031.	
CALIFORNIA	
Contra Costa County (Unincorporated Areas)	
Cascade Creek: 170 feet upstream of confluence with San Pablo Creek	*398
Deer Creek: 240 feet upstream of Balfour Road	*127
Donner Creek: 1,550 feet upstream of Marsh Creek Road	*462
East Antioch Creek: 860 feet upstream of Willow Avenue	*44
Kirker Creek: 50 feet upstream of State Highway 4	*64
Lauterwasser Creek: 50 feet upstream of Sleepy Hollow Lane	*455
Lawlor Creek: 120 feet downstream of Hanlon Way	*56
Marsh Creek: 20 feet downstream of Delta Road	*35
Marsh Creek: 200 feet downstream of Concord Avenue	*108
Miranda Creek: 130 feet upstream of Miranda Avenue	*333
Mitchell Creek: 400 feet east of intersection of Diablo Road with Tallyho Court along Diablo Road extended	*486
Moraga Creek: 20 feet downstream of El Camino Moraga	*563
Mt. Diablo Creek: 900 feet downstream of Port Chicago Highway	*20
Mt. Diablo Creek: 20 feet upstream of confluence with Mitchell Creek	*377
North Branch Stone Valley Creek: 130 feet upstream of Angela Avenue	*309
Old Kirker Creek: 160 feet downstream of the Atchison, Topeka and Santa Fe Railroad	*12
Overhill Creek: 320 feet upstream of Moraga Way	*484
Pacheco Creek: 300 feet upstream of the Atchison, Topeka and Santa Fe Railroad	*12
Payton Slough: 50 feet upstream of U.S. Highway 680	*9
Sand Creek: 20 feet downstream of Fairview Avenue	*90
San Pablo Creek: 110 feet upstream of Bear Creek Road	*340
San Pablo Creek: 530 feet downstream of Brookside Road	*522
San Ramon Creek: 100 feet downstream of Chaney Road	*212
San Ramon Creek: 75 feet upstream of Alamo Square Road	*261
Sans Crainte Creek: 160 feet upstream of Milton Avenue	*190
Shore Acres Creek: 200 feet upstream of Riverside Drive	*64
South Branch Moraga Creek: 1,200 feet upstream of confluence with Moraga Creek	*474
Stone Valley Creek: 90 feet downstream of Miranda Avenue	*331
Tice Creek: 20 feet downstream of Meadow Lane	*183
West Antioch Creek: 100 feet upstream of West 10th Street	*16
Maps are available for review at the Community Development Department, 651 Pine Street, 4th Floor, Martinez, California.	
Send comments to The Honorable Thomas Powers, Chairman, Contra Costa County Board of Supervisors, 651 Pine Street, Room 106, Martinez, California 94553.	
Lassen County (Unincorporated Areas)	
Susan River:	
520 feet upstream of Southern Pacific Railroad bridge (downstream limit of detailed study)	*4,142
Upstream face of State Highway 36 bridge	*4,147

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Downstream face of Riverside Drive bridge	*4,165
1,100 feet downstream of Southern Pacific Railroad bridge (upstream limit of detailed study)	*4,231
Downstream face of Southern Pacific Railroad bridge (upstream limit of detailed study)	4,251
Piute Creek:	
70 feet upstream of City of Susanville corporate limits	*4,252
650 feet downstream of Paul Bunyan Logging Road	*4,257
Downstream face of Paul Bunyan Logging Road	*4,263

Maps are available for inspection at the Lassen County Department of Public Works, Room 105, Courthouse Annex, Susanville California.

Send comments to Mr. Jean Louvet, Chairman, Lassen County Board of Supervisors, County Courthouse, County Clerk's Office, Susanville, California 96130.

Lodi (City), San Joaquin County

Mokelumne River:	
At downstream corporate limits	*44
At Wyn Way extended	*45
About 300 feet upstream of Southern Pacific Railroad	*49
About 700 feet upstream of Interstate Highway 50	*51
At upstream corporate limits	*52

Maps available for inspection at City Hall, 221 West Pine Street, Lodi, California.

Send comments to Mayor David Hinchman, 221 West Pine Street, Lodi, California 95240.

Loma Linda (City), San Bernardino County

San Timoteo Creek:	
At intersection with Parkland and Anderson Streets	*1,071
At intersection with Mountain View Avenue	*1,138

Maps are available for review at the Department of Public Works, 11128 Anderson Street, Loma Linda, California.

Send comments to The Honorable Elmer J. Digneo, Mayor, City of Loma Linda, 11128 Anderson Street, Loma Linda, California 92354.

Madera (City), Madera County

Fresno River:	
About 170 feet upstream of State Route 99	*264
About 400 feet upstream of North D Street	*267
About 190 feet downstream of North Lake Street	*271
At eastern corporate limits	*276

Maps available for inspection at the Office of the City Engineer, City Hall, 205 West Fourth Street, Madera, California.

Send comments to Mayor Margaret Medellin, City Hall, 205 West Fourth Street, Madera, California 93637.

Madera County (Unincorporated Areas)

San Joaquin River: 4,120 feet downstream of centerline of Avenue 7½	*143
San Joaquin River: 280 feet downstream of center of North Fork Road Bridge	*309
San Joaquin River Branch: 1,170 feet downstream of divergence with San Joaquin River	*285
Cottonwood Creek: At downstream edge of Avenue 11	*265
Cottonwood Creek: 1,170 feet downstream of Atchison, Topeka and Santa Fe Railroad Bridge	*281
Cottonwood Creek (Sheet Flow): At junction of Road 20 and Avenue 8	#1
Cottonwood Creek (Ponding): At junction of Road 28½ and Avenue 13	*267
Cottonwood Creek (Ponding): At junction of Road 30½ and Avenue 10½	*271
Madera Ranchos North: At downstream edge of Avenue 12	*296
Madera Ranchos North: At upstream edge of Road 35	*319
Madera Ranchos North (Sheet Flow): At junction of Road 34 and Avenue 12	#1
Madera Ranchos South: 1,230 feet due south of junction of Road 35½ and Avenue 12	*324
Madera Ranchos South: At upstream edge of Wayward Drive	*339
Madera Ranchos South (Sheet Flow): At junction of Road 33½ and Avenue 11	#1
Dry Creek: 1,550 feet downstream of Avenue 20	*272
Dry Creek (Sheet Flow): At junction of Road 19 and Avenue 16½	#1
Dry Creek (Ponding): At north side of creek at Atchison, Topeka and Santa Fe Railroad	*250
Dry Creek (Ponding): At south side of creek at Atchison, Topeka and Santa Fe Railroad	*251
Schmidt Creek: At upstream edge of Avenue 18	*270
Schmidt Creek: 100 feet downstream of edge of State Highway 99	*255
Schmidt Creek: At junction of Sharon Boulevard and Balwin Street	#1
Schmidt Creek Tributary: At upstream edge of Road 26	*277

Maps are available for review at the Department of Engineering and General Services, 135 West Yosemite Avenue, Madera, California.

Send comments to The Honorable Jess Lopez, Chairman, Madera County Board of Supervisors, 209 W. Yosemite Avenue, Madera, California 93637.

Moreno Valley (City), Riverside County

Edgemont B North Fork:	
About 80 feet upstream of Cottonwood Avenue	*1,529
About 100 feet upstream of Dracaea Avenue	*1,538
Just upstream of Eucalyptus Avenue	*1,549
Pigeon Pass Channel:	
At confluence with Sunnymead Storm Channel	*1,610
About 70 feet downstream of Sunnymead Boulevard	*1,630
About 900 feet upstream of Highway 60	*1,644
Sunnymead Storm Channel:	
About 800 feet upstream of Alessandro Boulevard	*1,568
About 50 feet downstream of Dracaea Avenue	*1,593
About 80 feet upstream of Fir Avenue	*1,620
About 50 feet upstream of Perris Boulevard	*1,697
About 500 feet upstream of Kitching Lane	*1,842

Maps available for inspection at the Office of the Deputy City Engineer, 12810 Heacock Street, Suite B208, Moreno Valley, California.

Send comments to Mr. Donald Bergh, Deputy City Engineer, 12810 Heacock Street, Suite B208, Moreno Valley, California 92388.

Oceanside (City), San Diego County

Pacific Ocean: On the shoreline, 200 feet southwest of the intersection of Pacific and Forster Streets	*11
Pacific Ocean: At Oceanside Harbor	*6
San Luis Rey River: 80 feet upstream of the center of the Atchison Topeka and Santa Fe Railroad crossing	*12
San Luis Rey River: 50 feet upstream of the center of the Murray Road crossing	*82
Garrison Creek: 100 feet upstream of the center of the El Camino Real crossing	*100
Buena Vista Creek: 60 feet upstream of the center of College Blvd	*174

Maps are available for review at the Deputy City Engineer's Office, 320 North Horne Street, Oceanside, California.

Send comments to The Honorable Lawrence Bagley, Mayor, City of Oceanside, 321 North Nevada Street, Oceanside, California 92054.

Palmdale (City), Los Angeles County

Big Rock Wash:	
900 feet downstream of Avenue L-4	*2,517
450 feet upstream of Avenue M East	*2,553
300 feet downstream of Avenue N East	*2,562
220 feet downstream of the upstream corporate limits	*2,631
Little Rock Wash A:	
400 feet upstream of the downstream corporate limits (Avenue L East)	*2,468
650 feet downstream of Avenue M East	*2,487
320 feet downstream of Avenue Q	*2,622
100 feet downstream of Southern Pacific Railroad	*2,736
1,500 feet upstream of Avenue T	*2,776
1,000 feet upstream of Avenue U	*2,862
Little Rock Wash B:	
2,580 feet upstream of convergence with Little Rock Wash A	*2,700
150 feet downstream of Southern Pacific Railroad	*2,742
300 feet downstream of divergence with Little Rock Wash A	*2,746
Little Rock Wash C:	
300 feet upstream of Avenue T	*2,759
1,000 feet downstream of divergence with Little Rock Wash A	*2,787

Maps available for inspection at City Hall, 708 E. Palmdale Boulevard, Palmdale, California.

Send comments to Mayor William J. Knight, City Hall, 708 E. Palmdale Boulevard, Palmdale, California 93550.

Tracy (City), San Joaquin County

Old River:	
At the intersection of Industrial Way and Enterprise Place	*11
San Joaquin River (through Tom Paine Slough):	
At the intersection of Arbor Avenue and McArthur Drive	*20

Maps available for inspection at City Hall, 325 East Tenth Street, Tracy, California.

Send comments to Mayor Dorothy Zanussi, City Hall, 325 East Tenth Street, Tracy, California 95376.

West Hollywood (City), Los Angeles County

Shallow Flooding:	
Vicinity of Rosewood Avenue and Norwich Drive from San Vincente Boulevard to just past Santa Monica Boulevard.	#1
Vicinity of Grove Avenue and Curson Avenue between Romaine and Detroit Streets	#1

Maps available for inspection at the Office of the City Engineer, 8611 Santa Monica Boulevard, West Hollywood, California.

Send comments to Mr. Robert Mimiaga, City Engineer, 8611 Santa Monica Boulevard, West Hollywood, California 90069.

CONNECTICUT

Sherman (Town), Fairfield County

Housatonic River:	
At downstream corporate limits	*250
Approximately 0.95 mile upstream of downstream corporate limits	*260
At confluence of Tenmile River	*275
Tenmile River:	
At confluence with Housatonic River	*275
Approximately 2,000 feet upstream of confluence with Housatonic River	*289
At upstream corporate limits	*294

Maps available for inspection at the Town Clerk's Office, Sherman, Connecticut.

Send comments to The Honorable Kenneth F. Grant, First Selectman of the Town of Sherman, Fairfield County, P.O. Box 39, Sherman, Connecticut 06784.

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
FLORIDA	
Blountstown (City), Calhoun County	
Apalachicola River:	
About 2.5 miles downstream of State Road 20	*53
About 1.25 miles downstream of State Road 20	*54
Sutton Creek:	
About 2500 feet downstream of State Road 71	*53
About 3000 feet upstream of Charley E. Johns Street	*62
Shallow flooding caused by ponding of rainfall: About 450 feet east of intersection of Marie Avenue and Charley E. Johns Street	*54
Maps available for inspection at the City Hall, 125 West Central Avenue, Blountstown, Florida.	
Send comments to The Honorable Finley Corbin, Mayor, City of Blountstown, City Hall, 125 West Central Avenue, Blountstown, Florida 32424.	
Calhoun County (Unincorporated Areas)	
Apalachicola River:	
About 2.5 miles downstream of State Road 20	*53
Just downstream of State Road 20	*54
Maps available for inspection at the County Clerk's Office, County Courthouse, Blountstown, Florida.	
Send comments to The Honorable Charles Richards, Chairman, County Commission, Calhoun County, County Courthouse, P.O. Box 189, Blountstown, Florida 32424.	
Eustis (City), Lake County	
Lake Dot: Within community	*70
Lake Eustis: Within community	*66
Lake Gracie: Within community	*65
Lake Hermosa: Within community	*74
Lake Joanna: Within community	*155
Lake Louise: Within community	*80
Lake Maggie: Within community	*155
Lake Nettie: Within community	*65
Ponding Area H5B: Within community	*71
Lake Willie: Within community	*105
West Crooked Lake System (East and West Crooked Lakes): Within community	*74
Lake Woodward: Within community	*75
Lake Yale: Within community	*61
Maps available for inspection at the City Manager's Office, City Building, P.O. Box 68, Eustis, Florida.	
Send comments to The Honorable Michael Stearman, City Manager, City of Eustis, City Building, P.O. Box 68, Eustis, Florida 32726.	
Hamilton County (Unincorporated Areas)	
Suwannee River:	
At confluence of Withlacoochee River	*66
At northern state boundary	*108
Withlacoochee River:	
At mouth	*66
At northern state boundary	*93
Alapaha River:	
At mouth	*70
At northern state boundary	*95
Maps available for inspection at the County Clerk's Office, County Courthouse, Jasper, Florida.	
Send comments to The Honorable David Goolsby, Chairman, Board of Commissioners, Hamilton County, County Courthouse, P.O. Box 312, Jasper, Florida 32052.	
Madison County (Unincorporated Areas)	
Suwannee River:	
About 1.4 miles downstream of confluence of Springhead Creek	*60
At confluence of Withlacoochee River	*66
Withlacoochee River:	
At mouth	*66
About 1.0 mile upstream of abandoned railroad (bridge abutments)	*97
Aucilla River:	
About 8.2 miles downstream of U.S. Route 19	*46
About 2.6 miles upstream of U.S. Route 90	*83
Maps available for inspection at the County Clerk's Office, County Courthouse, Madison, Florida.	
Send comments to The Honorable Philip Howell, Chairman, Board of Commissioners, Madison County, County Courthouse, P.O. Box 237, Madison, Florida 32340.	
Suwannee County (Unincorporated Areas)	
Santa Fe River:	
At mouth	*32
About 0.7 mile upstream of confluence of Ichetucknee River	*34
Maps available for inspection at the County Coordinator's Office, Suwannee County Courthouse, Live Oak, Florida.	
Send comments to The Honorable W.W. Jernigan, Chairman, County Commission, Suwannee County, County Courthouse, Live Oak, Florida 32060.	
White Springs (Town), Hamilton County	
Suwannee River:	
About 0.9 mile downstream of County Highway 136	*86
About 0.9 mile downstream of U.S. Route 41	*87
Maps available for inspection at the Town Hall, White Springs, Florida.	
Send comments to The Honorable John Graham, Mayor, Town of White Springs, P.O. Drawer D, White Springs, Florida 32096.	
GEORGIA	
Chatsworth (City), Murray County	
Holly Creek:	
About 800 feet downstream of Louisville and Nashville Railroad	*717
About 1100 feet upstream of confluence of Town Branch	*732
Town Branch:	
Just upstream of confluence with Holly Creek	*730
Just downstream of Long Street	*745
Maps available for inspection at the City Hall, P.O. Box 516, Chatsworth, Georgia.	
Send comments to The Honorable Dan McEntire, Mayor, City of Chatsworth, City Hall, 101 Market Street, P.O. Box 516, Chatsworth, Georgia 30705.	
Jefferson (City), Jackson County	
Curry Creek:	
About 0.66 mile downstream of State Route 15	*712
Just downstream of Kissam Avenue	*727
Just upstream of Kissam Avenue	*739
About 1.14 miles upstream of State Route 15	*741
Maps available for inspection at the City Hall and Jackson County Building Inspection Department, County Administration Building, P.O. Box 37, Jefferson, Georgia.	
Send comments to The Honorable Byrd M. Bruce, Mayor, City of Jefferson, City Hall, 139 Athens Street, Jefferson, Georgia 30549.	
KANSAS	
Council Grove (City), Morris County	
Neosho River:	
About 3,800 feet downstream of Missouri Pacific Railroad	*1,232
About 3,800 feet upstream of Main Street	*1,241
Maps available for inspection at the City Hall, 200 W. Main Street, P.O. Box 313, Council Grove, Kansas.	
Send comments to The Honorable Charles Dike, Mayor, City of Council Grove, 200 W. Main Street, P.O. Box 313, Council Grove, Kansas 66846.	
MAINE	
Gouldsboro (Town), Hancock County	
Atlantic Ocean:	
Entire shoreline of West Bay within community	*11
Shoreline of Lobster Island	*11
Approximately 1,000 feet east of Jetteau Point	*16
Shoreline at Point Francis	*13
South shoreline of Sheep Island	*17
Entire shoreline of Hog Island	*11
Shoreline at Cranberry Point Road extended	*17
Shoreline at Prospect Harbor Point	*20
Entire shoreline of Long Porcupine Island	*11
Maps available for inspection at the Municipal Building, Prospect Harbor, Maine.	
Send comments to The Honorable Abial Briggs, Chairman of the Town of Gouldsboro, Board of Selectmen, Hancock County, Box 68, Prospect Harbor, Maine 04669.	
MARYLAND	
Baltimore (City)	
Gwynns Falls (1st Reach):	
At confluence with Middle Branch Patapsco River	*8
Upstream side of Washington Boulevard	*27
At confluence with Gwynns Run	*34
Approximately 1,260 feet upstream of U.S. Route 1	*51
Gwynns Falls (2nd Reach):	
Upstream side of Windsor Mill Road	*171
Approximately 0.5 mile upstream of Windsor Mill Road	*210
Downstream side of dam	*245
Approximately 235 feet upstream of corporate limits	*285
Jones Falls:	
At confluence with Northwest Harbor	*8
Upstream side of Interstate Route 83 culvert	*51
At 28th Street	*65
Upstream side of Roland Avenue ramp	*131
Upstream side of CONRAIL (1st upstream crossing)	*170
Upstream side of Northern Parkway	*196
At upstream corporate limits	*203
Western Run:	
At confluence with Jones Falls	*200
Upstream side of Poplin Avenue	*241
Upstream side of Bonnie View Drive culvert	*276
Upstream side of Pimlico Road	*322
Upstream side of Taney Road	*371
Upstream side of Bancroft Road culvert	*407
Approximately 880 feet upstream of Clarks Lane	*424
Maidens Choice Run:	
Confluence with Gwynns Falls	*47
Upstream side of Wilkens Avenue culvert	*81
Upstream side of Caton Avenue culvert	*111
Upstream side of Cemetery Road (2nd upstream crossing)	*138
Upstream side of Yale Avenue culvert	*160
Downstream side of Beechfield Avenue culvert	*173
Upstream side of Frederick Road culvert	*245
Approximately 450 feet upstream of North Bend Road	*291
Approximately 1,075 feet upstream of North Bend Road	*326
Approximately 400 feet upstream of footbridge	*342
Moores Run:	
At downstream corporate limits	*11
Upstream side of southbound lane of Interstate Route 895	*30
Approximately 30 feet upstream of Radecke Avenue	*57

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Approximately 0.5 mile upstream of Radecke Avenue	*91
Gwynns Run:	
Upstream side of Gwynns Falls Parkway culvert	*207
Approximately 1,925 feet upstream of Gwynns Falls Parkway culvert	*258
Stony Run:	
Upstream side of University Parkway	*209
Upstream side of Overhill Road culvert	*236
Upstream side of Cold Spring Lane culvert	*252
Downstream side of Wyndhurst Avenue	*309
Approximately 0.4 mile upstream of wyndhurst Avenue	*346
Approximately 0.6 mile upstream of Wyndhurst Avenue	*360

Maps available for inspection at the Planning Department, 222 East Saratoga Street, 8th Floor, Baltimore, Maryland.

Send comments to The Honorable Donald William Schaefer, Mayor of the City of Baltimore, 100 North Holiday Street, Room 250, Baltimore, Maryland 21202.

MASSACHUSETTS

Dover (Town), Norfolk County

Trout Brook:	
Upstream side of Haven Street bridge	*110
Upstream side of Springdale Avenue bridge	*113
Approximately 790 feet downstream of Channings Pond	*114
Rocky Brook:	
At confluence with Trout Brook	*113
Downstream side of Conrail bridge crossing	*148

Maps available for inspection at the Town Clerk's Vault, Dover, Massachusetts.

Send comments to The Honorable Norman Nicholson, Chairman of the Town of Dover Board of Selectmen, Norfolk County, Town Office, P.O. Box 280, Dover, Massachusetts 02030.

MICHIGAN

Niles (City), Berrien and Cass Counties

St. Joseph River:	
About 0.68 mile downstream of Conrail	*644
About 680 feet upstream of confluence of West Tributary	*660
Dowagiac River:	
About 850 feet downstream of U.S. Highway 31	*644
About 1,640 feet upstream of Abandoned Railroad	*645
West Tributary:	
At mouth	*660
Just downstream of Chicago Road	*698
Just upstream of Chicago Road	*703
About 430 feet upstream of footbridge	*706

Maps available for inspection at the City Hall, Niles, Michigan.

Send comments to The Honorable Larry Clymes, Mayor, City of Niles, City Hall, 506 East Main Street, Box 487, Niles, Michigan 49120.

NEW HAMPSHIRE

Milton (Town), Strafford County

Salmon Falls River	
At downstream corporate limits	*247
Approximately 0.6 mile downstream of Crib Dam	*265
Upstream side of Crib Dam	*362
Upstream side of Milton Three Ponds Dam	*420
At confluence of Branch River	*421
Upstream side of School Street	*433
Upstream side of Hopper Street	*501
At upstream corporate limits	*512
Branch River	
At confluence with Salmon Falls River	*421
Upstream side of State Route 16	*423
At upstream corporate limits	*444

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Miller Brook:	
At confluence with Salmon Falls River	*426
Approximately 90 feet upstream of Willey Road	*445

Maps available for inspection at the Planning Board, Milton, New Hampshire.

Send comments to The Honorable Theodore Tasker, Chairman of the Town of Milton Board of Selectmen, Strafford County, P.O. Box 310, Milton, New Hampshire 03851.

Warner (Town), Merrimack County

Warner River:	
Approximately 480 feet downstream of the downstream corporate limits	*364
On downstream side of State Route 127	*389
Confluence of Schoodac Brook	*398
Upstream side of southbound Interstate Route 89	*409
Upstream side of Mill Street	*416
Upstream of southbound Interstate Route 89	*422
Upstream side of Wagner Dam	*447
At 2nd upstream corporate limits crossing	*470
At downstream crossing at State Route 103	*508
Upstream side of dam	*520
Approximately 0.6 mile upstream of dam	*544
Approximately 0.9 mile upstream of dam	*565
Approximately 0.5 mile downstream of Melvin Road	*600
Downstream side of Melvin Road	*629
Upstream corporate limits	*642

Maps available for inspection at the Selectmen's Office, Town Hall, Warner, New Hampshire.

Send comments to The Honorable Carther Lynn Been, Chairwoman of the Town of Warner Board of Selectmen, Merrimack County, Town Hall, Warner, New Hampshire 03278.

NEW YORK

Champlain (Town), Clinton County

Lake Champlain: Entire shoreline within community	*102

Maps available for inspection at the Town Offices, Route 9, Champlain, New York.

Send comments to The Honorable Leo Letaurneau, Supervisor of the Town of Champlain, Clinton County, 18 Pratt Street, Rouses Point, New York 12979.

Crown Point (Town), Essex County

Lake Champlain: Entire shoreline within community	*102

Maps available for inspection at the Town Hall, Monitor Bay Park, Crown Point, New York.

Send comments to The Honorable Charles Mazurowski, Supervisor of the Town of Crown Point, Essex County, Office of the Supervisor, Crown Point, New York 12928

Highlands (Town), Orange County

Hudson River: Entire shoreline within community	*8

Maps available for inspection at Town Hall, 213 Main Street, Highland Falls, New York 10928.

Send comments to The Honorable Henry G. Perry, Supervisor of the Town of Highlands, Orange County, 213 Main Street, Highland Falls, New York 10928

Highland Falls (Village), Orange County

Hudson River: Entire shoreline within community	*8

Maps available for inspection at the Village Hall, 180 Main Street, Highland Falls, New York.

Send comments to The Honorable Inga M. Quaintance, Deputy Mayor of the Village of Highland Falls, Village Hall, 180 Main Street, Highland Falls, New York 10928

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)

Port Henry (Village), Essex County

Lake Champlain: Entire shoreline within community	*102

Maps available for inspection at the Village Office, 25 South Main Street, Port Henry, New York.

Send comments to The Honorable Robert F. Brown, Mayor of the Village of Port Henry, Essex County, 25 South Main Street, Port Henry, New York 12974.

Westport (Town), Essex County

Lake Champlain: Entire shoreline within community	*102

Maps available for inspection at the Town Clerk's Office, 24 Sisco Street, Westport, New York.

Send comments to The Honorable Donald L. McIntyre, Supervisor of the Town of Westport, Essex County, 125 South Main Street, Westport, New York 12993.

Westport (Village), Essex County

Lake Champlain: Entire shoreline within community	*102

Maps available for inspection at the Village Community Center, Main Street, Westport, New York.

Send comments to The Honorable Carl R. Floyd, Mayor of the Village of Westport, Essex County, P.O. Box 2, Westport, New York 12993.

NORTH CAROLINA

Speed (Town), Edgecombe County

Deep Creek:	
About 1.2 miles downstream of confluence of Long Branch	*54
About 0.85 mile upstream of confluence of Knight Swamp	*58
Longs Branch:	
At mouth about 1400 feet	*55
Upstream of State Route 122	*58
Knight Swamp:	
At mouth about 900 feet	*56
Upstream of Seaboard Coast Line Railroad	*60

Maps are available for inspection at The Edgecombe County Administration, Building 201, Andrews Street, Tarboro, North Carolina.

Send comments to The Honorable Melvin Howell, Mayor Pro-tem, Town of Speed, P.O. Box 13, Speed, North Carolina 27881.

NORTH DAKOTA

Barnes County (Unincorporated Areas)

Sheyenne River:	
4,700 feet downstream of SIO/15 line, T138N, R58W	*1,196
1,000 feet upstream of S3/IO,T138N, R58W bridge	*1,199
1,800 feet downstream of S27/34 line, T138N, R58W	*1,203
2,000 feet upstream of FAS 603 S27/28 bridge	*1,206
100 feet downstream of FAS 603 S16/21 bridge	*1,210
2,300 feet upstream of County Road 21	*1,215

Maps available for inspection at 491 Second Avenue, N.W., Valley City, North Dakota.

Send comments to Mr. Clayton Johnson, 491 Second Avenue, N.W., Valley City, North Dakota 58072

Center (Township), Richland County

Bois de Sioux River	
At Section 20/29, T132N, R47W	*962
At T131/132N, R47W	*965

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Wild Rice River:	
At County State Aid Highway 13	*957
At Federal Aid Road 81	*962
At Section 6/31, T131/132N, R48W	*963
Maps available for inspection at the home of the Township Chairman, Mr. Robert Buck, Rural Route #2, Box 158, Wahpeton, North Dakota 58075.	
Send comments to Mr. Robert Buck, Center Township Chairman, Rural Route #2, Box 158, Wahpeton, North Dakota 58075.	
Normanna (Township), Cass County	
Sheyenne River:	
300 feet downstream of FAS 639	*921
500 feet downstream of S2/11, T137N, R50W	*924
250 feet upstream of S14/23, T137N, R50W	*929
1,600 feet downstream of S26, T137N, R50W	*935
800 feet upstream of S34/35, T137N, R50W	*939
100 feet downstream of CSAH 46	*944
Maps available for inspection at the home of Mr. Harold Thrane, Normannan Township Chairman, Box 155, Kindred, North Dakota.	
Send comments to Mr. Harold Thrane, Township Chairman, Box 155, Kindred, North Dakota 58051.	
Wahpeton (City), Richland County	
Red River of the North:	
At unnamed road at Section Line 21/28, T133N, R47W	*957
At Highway 210 Bridge	*959
At Thirteenth Avenue North	*960
Bois de Sioux River:	
At confluence with Otter Tail River	*961
At Bohemian National Cemetery	*962
Maps available for inspection at the Office of the City Engineer, 120 North Fourth Street, Wahpeton, North Dakota 58075.	
Send comments to Mayor Warren Schuett, 120 North Fourth Street, Wahpeton, North Dakota 58075.	
OHIO	
Clark County (Unincorporated Areas)	
Mad River:	
About 1.4 miles downstream of State Route 4	*864
Just downstream of County Line Road	*953
Mud Run:	
Just upstream of Interstate 675	*844
Just downstream of Fowler Road	*897
Beaver Creek:	
Just upstream of Bird Road	*1,002
Just downstream of Newlove Road	*1,060
Maps available for inspection at the County Building Department, 25 West Pleasant Street, Springfield, Ohio.	
Send comments to The Honorable Merle Kearns, President, County Commission, Clark County, 31 North Limestone Street, Springfield, Ohio 45502.	
London (City), Madison County	
Oak Run:	
Just upstream of High Street	*1,035
About 1.1 miles upstream of Old Springfield Road	*1,055
Glade Run:	
At mouth	*1,038
About 2,500 feet upstream of Garfield Avenue	*1,050
Maps available for inspection at the City Hall, 102 South Main Street, London, Ohio.	
Send comments to The Honorable Ed Bower, Mayor, City of London, City Hall, 102 South Main Street, London, Ohio 43140.	

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Tuscarawas County (Unincorporated Areas)	
Tuscarawas River:	
At downstream county boundary	*792
Just downstream of U.S. Route 36	*828
Just downstream of confluence of Beaverdam Creek	*850
About 2.2 miles upstream of County Route 85	*877
Sugar Creek:	
At mouth	*868
About 300 feet upstream of State Route 21	*933
Brandywine Creek:	
At confluence with Sugar Creek	*874
Just downstream of Township Route 367	*919
South Fork Sugar Creek:	
Just downstream of County Road 75	*981
Just downstream of Township Road 350	*993
Beaverdam Creek:	
At mouth	*850
Just downstream of State Route 39	*908
Stillwater Creek:	
At mouth	*843
About 2300 feet upstream of County Route 37	*855
Little Stillwater Creek:	
At mouth	*848
About 1.25 miles upstream of confluence of Irish Run	*857
Maps available for inspection at the Regional Planning Commission, County Office Building, New Philadelphia, Ohio.	
Send comments to The Honorable William Winters, President, County Commissioners, Tuscarawas County, County Office Building, 172 North Broadway, New Philadelphia, Ohio 44663.	
OKLAHOMA	
Pryor Creek (City), Mayes County	
Pryor Creek:	
Floodplain at intersection of County Road and 9th Street	*602
Approximately 210 feet downstream of State Route 20	*607
Approximately 90 feet upstream of upstream corporate limits	*611
Maps available for inspection at the City Hall, Pryor Creek, Oklahoma.	
Send comments to Honorable Carl C. Curry, Mayor of the City of Pryor Creek, Mayes County, 6 North Adair, Pryor Creek, Oklahoma 74362.	
Rogers County	
Verdigris River:	
At downstream County boundary	*544
At upstream side of State Route 33 (upstream crossing)	*557
Upstream side of Interstate Route 44	*570
Approximately 0.57 mile upstream of State Route 266	*576
Bird Creek:	
At confluence with Verdigris River	*571
Upstream side of State Route 167	*576
At upstream County boundary	*584
Dog Creek:	
Approximately 1,300 feet downstream confluence of Cat Creek	*575
Approximately 200 feet upstream of State Route 20	*589
Approximately 700 feet upstream of Blue Starr Drive	*595
Cat Creek:	
At confluence with Dog Creek	*576
Upstream side of Missouri-Pacific Railroad	*614

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Approximately 2.0 miles upstream of Industrial Boulevard	*642
Elm Creek:	
At downstream County boundary	*624
Upstream side of 161st East Avenue	*646
Approximately 2.2 miles upstream of 96th Street North	*677
Elm Creek Tributary:	
At confluence with Elm Creek	*650
Upstream side of 106th Street North	*669
Downstream side of 116th Street North	*704
East Creek:	
Approximately 740 feet upstream of confluence with Carney River	*596
Approximately 200 feet upstream of 146th Street North	*608
Downstream side of 126th Street North	*664
Maps available for inspection at the Metropolitan Planning Commission Office, 219 South Missouri, Claremore, Oklahoma.	
Send comments to The Honorable M. E. Williams, County Director, City of the Metropolitan Planning Commission, Rogers County, 219 South Missouri, Claremore, Oklahoma 74017.	
OREGON	
Rivergrove (City), Clackamas and Washington Counties	
Tualatin River: 130 feet southeast along Dogwood Avenue from Tualamere Avenue	*121
Tualatin River: 200 feet along Dogwood Avenue from Sycamore Avenue	#1
Maps are available for review at the Rivergrove City Recorders Office, 4640 Southwest Dogwood Drive, Lake Oswego, Oregon 97034.	
Send comments to The Honorable Neal McFarlane, Mayor, City of Rivergrove, P.O. Box 1104, Lake Oswego, Oregon 97034.	
Lake Oswego (City), Clackamas County	
Oswego Canal: At the upstream face of Bryant Road crossing	*110
Springbrook Creek: At the downstream face of Iron Mountain Boulevard	*125
Springbrook Creek: At the downstream face of Twin Fir Road	*160
Tualatin River: 590 feet south from a point located 570 feet west from the intersection of River Run Drive and Trout Way	*120
Willamette River: 270 feet east from the intersection of Wilbur Street and Furnace Street	*34
Willamette River: 200 feet south from a point located 1,220 feet from the intersection of Oak Street and Bullock Street	*35
Maps are available for review at the Planning & Engineering Department, 348 N. State Street, Lake Oswego, Oregon.	
Send comments to The Honorable William Young, Mayor, City of Lake Oswego, P.O. Box 369, Lake Oswego, Oregon 97034.	
PENNSYLVANIA	
Applewold (Borough), Armstrong County	
Allegheny River:	
Approximately 660 feet downstream of Kittanning Highway bridge	*793
Approximately 1.1 miles downstream of Kittanning Highway bridge	*794
Maps available for inspection at the Borough Office, 6 Hickory Street, Kittanning, Pennsylvania.	

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Send comments to The Honorable David S. Megin, Esquire, Council President of the Borough of Applewold, Armstrong County, 201 McKinney Street, Kittanning, Pennsylvania 16201.	
Manor (Township), Armstrong County	
Allegheny River:	
Downstream corporate limits	*787
At upstream corporate limits	*793
Crooked Creek:	
At confluence with Allegheny River	*787
Upstream side of T-522	*790
Approximately 1,650 feet upstream of State Route 66	*796
Garrett's Run:	
At confluence with Allegheny River	*791
Upstream side of State Route 359 (3rd upstream crossing)	*828
Upstream side LR 03095	*866
Upstream side of Hawk Hollow Road	*887
Upstream side of State Route 359 (6th upstream crossing)	*920
Approximately 0.6 mile downstream of State Route 359 (7th upstream crossing)	*980
Approximately 50 feet upstream of upstream corporate limits	*1,026
Campbell Run:	
At confluence with Crooked Creek	*787
Approximately 0.4 mile upstream of confluence with Crooked Creek	*817
Fort Run:	
At confluence with Allegheny River	*791
Approximately 450 feet upstream of T-447	*804
Maps available for inspection at 116 Raceway, Ford City, Pennsylvania.	
Send comments to The Honorable Ludwig Jack-Miller, Chairman of the Board of Supervisors of the Township of Manor, Armstrong County, P.O. Box 43, McGrann, Pennsylvania 16236.	
Manorville (Borough), Armstrong County	
Allegheny River:	
At upstream corporate limits (extended)	*792
At downstream corporate limits (extended)	*791
Maps available for inspection at the Borough Secretary's Office, Water Street, Manorville, Pennsylvania.	
Send comments to The Honorable Eugene Law, Council President of the Borough, of Manorville, Armstrong County, Box 225, Manorville, Pennsylvania 16238.	
Muncy (Township), Lycoming County	
West Branch Susquehanna River:	
Downstream corporate limits	*506
Upstream corporate limits	*511
Maps available for inspection with Barbara Gildwell, Township Clerk, R.D. 2, Muncy, Pennsylvania.	
Send comments to The Honorable Jack McCoy, Chairman of the Township of Muncy, Lycoming County, R.D. 2, Muncy, Pennsylvania 17756.	
South Buffalo (Township), Armstrong County	
Allegheny River:	
Approximately 1,300 feet downstream of downstream corporate limits	*771
Approximately 100 feet downstream of Lock and Dam No. 6	*781
At upstream corporate limits	*786
Buffalo Creek:	
At downstream corporate limits	*820
At upstream side of State Route 228	*858
Approximately 225 feet upstream of upstream corporate limits	*873
Maps available for inspection at the Township Office, Freeport, Pennsylvania.	
Send comments to The Honorable Allen McCrea, Chairman of the Board of Supervisors of the Township of South Buffalo, Armstrong County, 121 Stricker Road, Freeport, Pennsylvania 16229.	
Springboro (Borough), Crawford County	
Conneaut Creek:	
At downstream corporate limits	*891
Upstream side of Beaver Street	*897
Upstream corporate limits	*905
Maps available for inspection at Borough Building, North Main Street, Springboro, Pennsylvania.	
Send comments to The Honorable Philip Smith, Council President of the Borough of Springboro, Crawford County, Borough Building, North Main Street, Springboro, Pennsylvania 16435.	
SOUTH CAROLINA	
Edisto Beach (Town), Colleton County	
Atlantic Ocean:	
Along Scott Creek	*14
About 700 feet southwest of the intersection of McConkey Boulevard and Edisto Street	*20
Maps available for inspection at the Town Hall, P.O. Box 402, Edisto Beach, South Carolina.	
Send comments to The Honorable E. Whitson Brooks, Mayor, Town of Edisto Beach, Town Hall, P.O. Box 402, Edisto Beach, South Carolina 29438.	
TEXAS	
Cleveland (City), Liberty County	
East Fork San Jacinto River:	
Approximately 2,470 feet downstream of State Route 105	*130
Downstream side of Atchison, Topeka, and Santa Fe Railway	*134
Reese Bayou:	
Downstream side of Atchison, Topeka, and Santa Fe Railway Bridge	*151
Approximately 400 feet upstream of southbound U.S. Route 59 bridge	*160
Maps available for inspection at 203 East Boothe Street, Cleveland, Texas.	
Send comments to The Honorable Ronny McWaters, Mayor of the City of Cleveland, Liberty County, 203 East Boothe Street, Cleveland, Texas 77327.	
Henrietta (City), Clay County	
Dry Fork of Little Wichita River:	
Approximately 1.9 miles downstream of downstream corporate limits	*865
At Hancock Road	*870
Approximately 700 feet upstream of upstream corporate limits	*880
Maps available for inspection at the City Hall, Main Street, Henrietta, Texas.	
Send comments to The Honorable Melvin Adams, Mayor of the City of Henrietta, Clay County, City Hall, Main Street, Henrietta, Texas 28413.	
Highland Village (City), Denton County	
Lewisville Lake: Entire shoreline affecting within community	*537
Maps available for inspection at 948 Highland Village Road, Lewisville, Texas.	
Send comments to The Honorable Joe Gamble, Manager of the City of Highland Village, Denton County, 948 Highland Village Road, Lewisville, Texas 75067.	
Plum Grove (City), Liberty County	
East Fork San Jacinto River:	
Approximately 0.95 mile downstream of County boundary	*83
Approximately 2,000 feet upstream of confluence of Orange Branch	*90
Downstream side of FM 2090	*96
Approximately 200 feet upstream of upstream corporate limits	*100
Maps available for inspection at the City Hall, Plum Grove, Texas.	
Send comments to The Honorable Jimmy Rollins, Mayor of the City of Plum Grove, Liberty County, Route 5, Box 325 G, Cleveland, Texas 77327.	
Uvalde County	
Cooks Slough:	
At U.S. Route 83	*888
Approximately 0.70 mile upstream of U.S. Route 90	*905
Downstream side of County Route 1052	*916
Approximately 0.7 mile upstream of County Route 1052	*919
Leona River:	
Approximately 1.1 mile downstream of most downstream County boundary	*877
At second upstream crossing of approximately 3.3 miles downstream of Southern Pacific Railroad	*887
At Southern Pacific Railroad	*912
Taylor Slough:	
Approximately 120 feet downstream of County boundary	*907
At Leona Road	*917
Approximately 0.63 mile upstream of Leona Road	*930
Taylor Slough Tributary:	
At confluence with Taylor Slough	*919
Approximately 0.42 mile upstream of confluence with Taylor Slough	*933
Maps available for inspection at the Uvalde County Courthouse, Uvalde, Texas.	
Send comments to The Honorable J.R. White, Uvalde County Judge, County Courthouse, Uvalde, Texas 78801.	
UTAH	
Morgan City (City), Morgan County	
Weber River:	
About 6,000 feet downstream of State Street (State Highway 66)	*5,032
50 feet downstream from the center of 200 East Street	*5,060
About 4000 feet upstream of 200 East Street	*5,075
300 feet north along 200 East Street from Weber River (at east edge of road)	#1
East Canyon Creek:	
About 5000 feet downstream of Young Street	*5,041
Centerline of Young Street	*5,056
About 1750 feet upstream of Young Street	*5,061
Maps are available for inspection at the City Office, 48 West Young Street, Morgan City, Utah.	
Send comments to Mayor John C. Johnson, 48 West Young Street, Morgan City, Utah 84050.	
Park City (City), Summit County	
Silver Creek:	
1,000 feet above Union Pacific Railroad near downstream corporate limits	*6,673

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
At Wyatt Earpp Way	*6,713
Above Union Pacific Railroad Bridge	*6,790
At Bonanza Drive	*6,823
Above Deer Valley Drive	*6,858
At confluence of Empire Creek	*7,007
Above Deer Valley Drive South	*7,115
Maps available for inspection at the City Office, P.O. Box 1480, Park City, Utah.	
Send comments to Mayor Hal Taylor, P.O. Box 1480, Park City, Utah 84060.	
VIRGINIA	
Alleghany County	
Smith Creek:	
Approximately 300 feet downstream of most downstream County boundary	*1,209
Approximately 2,000 feet downstream of most upstream County boundary	*1,297
At most upstream County boundary	*1,335
Maps available for inspection at the Department of Public Works, 500 Alleghany Street, Clifton Forge, Virginia.	
Send comments to The Honorable Macon C. Sammons, Jr., Alleghany County Administrator, 110 Rosedale Avenue, Covington, Virginia 24426.	
WASHINGTON	
Rockford (Town), Spokane County	
Rock Creek:	
At downstream corporate limit	*2,344
Just upstream of State Highway 27 Bridge	*2,349
Just downstream of Union Pacific Railroad Bridge	*2,353
At upstream corporate limit	*2,368
At southernmost corner of incorporated area of Rockford	*2,374

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Mica Creek:	
At confluence with Rock Creek	*2,352
Just upstream of First Avenue Bridge	*2,356
At upstream corporate limit	*2,369
Maps available for inspection at the City Hall, West 20 Emma Street, Rockford, Washington.	
Send comments to Mayor James Burton, West 20 Emma Street, Rockford, Washington 99030.	
WEST VIRGINIA	
Fairmont (City), Marion County	
Monongahela River:	
Downstream corporate limits	*869
At confluence of Tygart Valley and West Fork Rivers	*875
Tygart Valley River:	
At confluence with the Monongahela River	*875
Upstream corporate limits	*875
West Fork River:	
At confluence with the Monongahela River	*875
Upstream corporate limits	*880
Buffalo Creek:	
At confluence with the Monongahela River	*871
Upstream corporate limits	*873
Hickman Run:	
At confluence with the Monongahela River	*872
Approximately 10 feet upstream of Morgantown Avenue	*933
Approximately 100 feet upstream of Grafton Road	*974
Maps available for inspection at the Office of Community Affairs, Planning and Development, P.O. Box 1428, Fairmont, West Virginia.	
Send comments to The Honorable Ed Daley, Manager of the City of Fairmont, Marion County, P.O. Box 1428, Fairmont, West Virginia 26554.	

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under Section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The determinations, however, impose no restriction unless and until the local community voluntarily adopts floodplain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the floodplain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

List of Subjects in 44 CFR Part 67.

Flood Insurance, Floodplains.

Authority: 42 U.S.C. 4001 et seq., Reorganization Plan No. 3 of 1978, E.O. 12127.

The proposed modified base (100-year) flood elevations for selected locations are:

PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATIONS

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
California	City of Imperial Beach, San Diego County.	Tijuana River	2,150 feet upstream from profile base line confluence with Oneonta Slough.	*6	*6
			At Sunset Avenue approximately 6,700 feet west of 19th Street.	*11	*11
			At Sunset Avenue approximately 2,700 feet west of 19th Street.	*17	*15
		Pacific Ocean	At intersection of Beach Avenue and 1st Street	None	*6
			200 feet west of inter-section of Cortez Avenue and 1st Street.	*10	*8
			1,050 feet south of a point 150 feet west of intersection of Encanto Avenue and 1st Street.	*9	*10
Maps are available for review at The Planning and Community Development Office, 825 Imperial Beach Boulevard, Imperial Beach, California.					
Send comments to The Honorable William S. Russell, Mayor, City of Imperial Beach, 825 Imperial Beach Boulevard, Imperial Beach, California 92032.					
California	City of Isleton, Sacramento County.	Sacramento River	First Street	*9	*9
		Sevenmile Slough and Jackson Slough.	Main Street	*7	*7
			Georgiana Drive	*7	*7
Maps available for inspection at City Hall, 100 Second Street, Isleton, California.					
Send comments to Mayor George Apple, City Hall, P.O. Box 716, Isleton, California 95641.					
California	City of Pittsburg, Contra Costa County.	New York Slough	At the intersection of Los Medanos Street and East First Street.	*6	*7

PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
Maps available for inspection at City Hall, 2020 Railroad Avenue, Pittsburg, California.					
Send comments to Mayor Taylor Davis, City Hall, 2020 Railroad Avenue, Pittsburg, California 94565.					
California	City of Rio Vista, Solano County	Sacramento River	At the intersection of River Road and the second Private Road located upstream of Industrial Creek.	*8	*8
Maps available for inspection at the City Clerk's Office, City Hall, 1 Main Street, Rio Vista, California.					
Send comments to Mayor Milton Wallace, City Hall, P.O. Box 745, Rio Vista, California 94571.					
Connecticut	Milford, City, New Haven County	Beaver Brook	Approximately 40 feet downstream of Naugatuck Avenue.	*10	*10
			At Concord Avenue, extended	*10	*12
			At first downstream crossing of Bridgeport Avenue (U.S. Route 1).	None	*35
			At Grinnell Street	None	*45
			Approximately 340 feet upstream of Plains Road.	None	*97
		Quirk's Pond	At confluence with Oyster River	*11	*11
			Upstream side of first downstream crossing of Brewster.	None	*13
			At Anderson Avenue	None	*25
		Tumble Brook	At confluence with Indian River	*18	*18
			Approximately 550 feet downstream of Kindel Drive	None	*45
			Approximately 120 feet downstream of San Mill Drive	None	*66
			Approximately 265 feet upstream of Armore Road	None	*87
		Karls Brook	Approximately 650 feet downstream of Boston Post Road.	None	*11
			Approximately 1,350 feet downstream of Swanson Drive.	None	*32
			Approximately 300 feet downstream of Colony Road	None	*59
			Downstream side of Burnt Plains Road	None	*112
			At upstream corporate limits	None	*118
		Stubby Brook	At confluence with Indian River	*11	*11
			Downstream side of Buick Avenue	None	*19
			At Locust Street	None	*47
			At Pullman Drive	None	*87
			At upstream corporate limits	None	*125
Maps available for inspection at the City Hall, Milford, Connecticut.					
Send comments to The Honorable Alberta Jagoe, Mayor of the City of Milford, New Haven County, City Hall, River Street, Milford, Connecticut 06460.					
Connecticut	New Milford, Town, Litchfield County.	Housatonic River	Approximately 4,830 feet upstream of Boardman Bridge.	*227	*227
			Downstream side of U.S. Route 7	None	*250
			Approximately 820 feet downstream of upstream corporate limits.	None	*278
		Town Farm Brook	Upstream side of State Route 67	*470	*470
			Upstream side of McMahon Road	None	*578
			Approximately 30 feet downstream of Reservoir #4 dam.	None	*668
		West Aspetuck River	Approximately 1,380 feet upstream of Clove Farm Road.	*465	*476
			Approximately 1 mile upstream of Clove Farm Road	None	*497
			Downstream side of Cherniske Road	None	*578
			Approximately 260 feet downstream of upstream corporate limits.	None	*581
Maps available for inspection at the Town Engineer's Office, Town Hall, 10 Main Street, New Milford, Connecticut.					
Send comments to The Honorable Clifford Chapin, First Selectman of the Town of New Milford, Litchfield County, Town Hall, 10 Main Street, New Milford, Connecticut 06460.					
Connecticut	West Hartford, Town, Hartford County.	North Branch Park River	Downstream corporate limits	*60	*59
			Upstream corporate limits	85	*86
		Piper Brook	At confluence with Trout Brook	*52	*48
			Upstream corporate limits	*53	*49
		East Branch Trout Brook	Upstream side of Asylum Avenue	*95	*89
			Approximately 250 feet upstream of Albany Avenue	*104	*105
			Approximately 750 feet upstream of Albany Avenue	*107	None
		St. Joseph's Brook	At confluence with East Branch Trout Brook	*96	*89
			Approximately .33 mile upstream of confluence with East Branch Trout Brook.	*96	*96
		Tumbledown Brook	Downstream corporate limits	*135	*133
			Approximately .67 mile upstream of Still Road	*143	*141
			Downstream side of Mountain Road	*181	*179
			Approximately .4 mile upstream of Mountain Road	None	*218
		Hart Meadow Brook	At confluence with Trout Brook	*118	*115
			Upstream side of Bugbee Dam	*151	*156
			Upstream side of Flagg Road	*162	*159
			Upstream side of Lovelace Drive	*206	*203
			Approximately 600 feet upstream of Lovelace Drive	*236	*229
			Approximately .23 mile downstream of Winchester Drive.	*259	*254
			Approximately 440 feet downstream of Winchester Drive.	*292	*300
			Upstream side of Winchester Drive	*315	*319
			Upstream side of Watercliff Circle	None	*345

PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
			Downstream side of the upstream Renbrook School Road culvert.	None	*391
			Approximately .37 mile upstream of the upstream Renbrook School Road culvert.	None	*400
			Approximately .53 mile upstream of the upstream Renbrook School Road culvert.	None	*428
		Rockledge Brook	At confluence with Trout Brook	*74	*73
			Upstream side of South Main Street	None	*113
			Upstream side of Pleasant Hill Drive	*129	*128
			Upstream side of Elmfield Street	*143	*143
			Approximately .38 mile upstream of Huckleberry Lane	None	*157
		Wood Pond Brook	At confluence with Trout Brook	*167	*164
			Approximately 50 feet downstream of Mountain Road	*166	*173
			Downstream side of Tunxis Road	None	*175
		Tumbledown Brook Tributary	Downstream corporate limits	*138	*142
			Upstream corporate limits	*152	*152
Maps available for inspection at the Town Planning Office, West Hartford, Connecticut.					
Send comments to The Honorable Christopher Droney, Mayor of the Town of West Hartford, Hartford County, 28 South Main Street, West Hartford, Connecticut 06107.					
Hawaii	Honolulu (City and County)	Kalihi Stream	600 feet upstream of centerline of Dillingham Boulevard.	15	*15
			200 feet upstream of center of H–1 Freeway Bridge	None	*53
			100 feet upstream of centerline of North School Street	None	*99
		Kahauiki Stream	650 feet downstream of centerline of Mokumoa Street	9	*7
			50 feet upstream of centerline of Government Road	9	*10
			700 feet upstream of centerline of Government Road	11	*10
		Moanalua Stream (Lower)	200 feet downstream of center of Nimitz Highway Bridge.	None	*4
			400 feet upstream of centerline of Kamehameha Highway.	7	*5
			150 feet downstream of centerline of Moana Lua Road.	12	*12
		Nuuanu Stream	60 feet upstream from center of North School Street	None	*18
			60 feet upstream from center on Nuuanu Avenue Bridge.	None	*80
			550 feet upstream of centerline of Judd Street	None	*180
		Malaekahana Stream	1,220 feet downstream of centerline of Kamehameha Highway Bridge.	None	*9
			125 feet downstream of centerline of Kamehameha Highway Bridge.	None	*13
			350 feet upstream of centerline of Cane Haul Road	None	*39
		Waolani Stream	50 feet upstream of centerline of North School Street	None	*18
			45 feet upstream from center of Kaukini Street Bridge	None	*62
			75 feet downstream from centerline of Kawananakoa Place.	None	*183
		Aiea Stream	20 feet downstream of centerline of Moanalua Road Bridge.	None	*30
			80 feet upstream of centerline of Ulune Street Bridge	None	*74
			50 feet downstream of centerline of Kaulalnahee Place.	None	*197
		Kalauao Stream	1,000 feet downstream of centerline of Kamehameha Highway Bridge.	None	*2
			50 feet upstream of centerline of Moana Lua Road	None	*25
			440 feet upstream of centerline of Access Road	None	*48
		Haiamoa Stream	220 feet downstream of centerline of Kahekili Highway	None	*4
			175 feet upstream from center of Kamehameha Highway Bridge.	None	*6
			40 feet upstream of centerline of Ahilama Road	None	*18
		Kahaluu Stream	400 feet upstream of confluence with Ahuimanu Stream.	None	*25
			130 feet downstream of center of Melekula Road Bridge.	None	*154
			20 feet downstream of center of Melekula Road	None	*159
		Ahuimanu Stream	200 feet upstream of centerline of Ahaolelo Road	None	*7
			At downstream edge of Kahekili Highway Bridge	None	*42
			1,400 feet downstream of center of Hui Iwa Street Bridge.	None	*68
		Waikele Stream	2,700 feet downstream from center of Waikele Road/ Hula Street Bridge.	None	*2
			400 feet upstream of center of Waipahu Street Bridge	None	*35
			100 feet downstream from center of H–1 Highway Bridge.	None	*41
		Honouluili Stream	520 feet downstream of center of Access Road	None	*4
			60 feet upstream of centerline of New Fort Weaver Road Bridge.	None	*14
			At downstream edge of Farrington Highway Bridge	None	*77
		Unnamed Stream	550 feet upstream of center of Waialua Beach Road	None	*8
			130 feet upstream from center of Highway Bridge	None	*22
			710 feet upstream from center of Farrington Highway Bridge.	None	*24
		Kaalaea Stream	200 feet downstream from center of Kahekili Highway Stream.	None	*5
			65 feet upstream from center of Kamehameha Highway Bridge.	None	*10
			300 feet upstream from center of Pulama Road	None	*106
		Waihee Stream	390 feet upstream of confluence with Kahaluu Pond	None	*14
			100 feet upstream from center of Ahilama Road Bridge.	None	*46

PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
			2,950 feet downstream of Forest Reserve Boundary	None	*108
		Waihee Stream Tributary	310 feet downstream of center of Ahilama Road Bridge.	None	*23
			5 feet upstream from center of Ahilama Road Bridge	None	*28
			40 feet upstream of center of Ahilama Road Bridge	None	*29
		Ahuimanu Stream Tributory	680 feet upstream of confluence with Ahuimanu Stream.	None	*48
			At upstream edge of Ahuimanu Street Bridge	None	*60
			50 feet upstream of Alawiki Road Bridge	None	*77
		Kawainui Stream	150 feet downstream of center of Wanaao Road Bridge.	None	*4
			100 feet upstream from center of Hamakua Drive Bridge.	None	*6
			320 feet upstream of Kaiwa Road Bridge Center	None	*6
		Makaleha Stream	250 feet downstream of center of Farrington Highway Bridge.	None	*20
			500 feet downstream from center of Cane Haul Road	None	*20
			1,200 feet downstream from confluence with Wilson Ditch.	None	*112

Maps available for inspection at the Department of Land Utilization, 650 South King Street, Honolulu, Hawaii.

Send comments to The Honorable Frank F. Fasi, Mayor, City and County of Honolulu, Honolulu, Hawaii 96813

Massachusetts	Acton, Town Middlesex County	Nagog Brook	At confluence with Nashoba Brook	None	*144
			Approximately 60 feet downstream of Nagog Pond Dam.	None	*218
		Butter Brook	At confluence with Nashoba Brook	None	*174
			Upstream corporate limits	None	*177
		Nashoba Brook	Upstream side of State Route 27	*172	*173
			Upstream corporate limits	None	*181
		Inch Brook	At confluence with Fort Pond Brook	None	*207
			Approximately 1,275 feet upstream of confluence with Fort Pond Brook.	None	*207
		Guggins Brook	At confluence with Inch Brook	None	*207
			Upstream corporate limits	None	*207
		Fort Pond Brook	Upstream side of Boston & Maine Railroad (4th upstream crossing).	*207	*207
			Upstream corporate limits	None	*207
		Grassy Pond Brook	At confluence with Fort Pond Brook	*204	*204
			Approximately 100 feet upstream of State Route 2	None	*217

Maps available for inspection at the Town Engineer's Office, Acton, Massachusetts.

Send comments to The Honorable D'Oria Hunter, Chairman of the Town of Acton Board of Selectmen, Middlesex County, 472 Main Street, Acton, Massachusetts 01720.

Massachusetts	Canton, Town, Norfolk County	Massapoag Brook	At upstream corporate limits	None	*147
			Downstream side of Washington Steet	None	*131
			Downstream side of Walnut Street	None	*101
			Confluence with Forge Pond	None	*95
		Upper Pequid Brook	Approximately 1,080 feet upstream of Turnpike Street	None	*158
			At confluence with Resevoir Pond	None	*148
		Lower Pequid Brook	Downstream side of Pleasant Street	None	*140
			Downstream side of Sherman Street	None	*95
		Ponkapoag Brook	Downstream side of Turnpike Street	None	*134
			Upstream side of Hubbard Street	None	*104
			Approximately 1,500 feet east of intersection of Mohawk Road and Pecunit Street.	None	*58
			Downstream side of Golf Course Dam	None	*52
			At confluence with Neponset River	None	*47
		Beaver Meadow Brook	Downstream side of Pleasant Street	None	*156
			Upstream side of Factory Pond Dam	None	*136
			Confluence with Bolivar Pond	None	*107
		Bolivar Pond	Entire shoreline	None	*107
		Forge Pond	Entire shoreline	None	*95
		Resevoir Pond	Entire shoreline	None	*148

Maps available for inspection at the Planning Board, Canton, Massachusetts.

Send comments to The Honorable Edward J. Lynch, Chairman of the Town of Canton Board of Selectmen, Norfolk County, 801 Washington Street, Canton, Massachusetts 02021.

Massachusetts	Mattapoisett, Town, Plymouth County.	Buzzard's Bay	Shoreline at Point Road, extended	*14	*21
			Shoreline at Daisy Way, extended	*14	*20
			Shoreline at David Street, extended	*14	*18
			Intersection of Pico Beach Road and Pig Wacket Lane	*14	*16
			Intersection of Wildwood Terrace and U.S. Route 6	*14	*14

Maps available for inspection at the Building Inspector's Office, Town Hall, 16 Main Street, Mattapoisett, Massachusetts.

Send comments to The Honorable John De Costa, Chairman of the Town of Mattapoisett Board of Selectmen, Plymouth County, Town Hall, 16 Main Street, Mattapoisett, Massachusetts 02739.

Massachusetts	Norton, Town, Bristol County	Wading River	Approximately 150 feet downstream of Camp Read Road.	*98	*98
			Upstream side of Walker Street	*104	*104
			At upstream corporate limits	*111	*109
		Canoe River	At confluence with Winnecunnet Pond	*66	*74
			Approximately 1,000 feet upstream of upstream crossing of Interstate Route 495 exit ramp.	*77	*80
			Approximately 200 feet downstream of Newland Street	*84	*86
		Goose Branch Brook	At confluence with Wading River	None	*83
			Downstream side of Dean Steet	None	*88

PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county.	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
			Approximately 1,100 feet upstream of John Scott Boulevard.	None	*95
			Upstream side of West Hodges Street	None	*107
Maps available for inspection at the Planning Board, Norton, Massachusetts.					
Send comments to The Honorable Clarence Rich, Chairman of the Town of Norton Board of Selectmen, Bristol County, 70 Main Street, Norton, Massachusetts 02766.					
Massachusetts	Randolph, Town Norfolk County	Martin Brook	Approximately 1,000 feet downstream of Teed Drive	*107	*108
			Downstream side of North Street	*115	*115
			Approximately 160 feet upstream of Paine Road	*130	*130
			Upstream side of Oak Street	*133	*133
		Cochato River	Downstream side of first downstream CONRAIL crossing.	*105	*107
			Approximately 1,300 feet upstream of confluence of Glovers Brook.	*107	*108
			Approximately 240 feet upstream of confluence of Mary Lee Brook.	None	*111
		Glovers Brook	At confluence with Cochato River	*107	*108
			Upstream side of North Street	*116	*116
			At CONRAIL	*156	*156
			Approximately 975 feet upstream of Warren Street	*181	*181
		Mary Lee Brook	At confluence with Cochato River	*111	*111
			At Union Street	None	*128
			At South Street	None	*148
			At Joyce Street	None	*196
			Upstream side of South Main Street	None	*210
		Unnamed Tributary to Mary Lee Brook.	Confluence with Mary Lee Brook	*118	*117
			Upstream side of Prospect Avenue culvert	*130	*130
			Upstream side of Union Street culvert	*165	*165
Maps available for inspection at the Town Hall, Crawford Square, Randolph, Massachusetts.					
Send comments to The Honorable Gail Bowers, Chairwoman of the Town of Randolph Board of Selectmen, Norfolk County, Town Hall, Crawford Square, Randolph, Massachusetts 02368.					
Massachusetts	Taunton, City, Bristol County	Segreganset River	Downstream corporate limits	None	*83
			Upstream side of Winthrop Street	None	*85
			Upstream side of Laneway Street	None	*93
			Upstream side of Glebe Street	None	*101
		Cobb Brook	Confluence with Taunton River	*14	*13
			Downstream side of Briggs Street	*19	*22
			Upstream side of Oak Street	*32	*34
			Downstream side of Tremont Street	*47	*50
		Lake Sabbatia	Entire shoreline within community	None	*66
		Watson Pond	Entire shoreline within community	None	*65
		Mill Pond	Entire shoreline within community	None	*62
Maps available for inspection with Mr. Russell Heap, Zoning Enforcement Officer, 15 Summer Street, Taunton, Massachusetts.					
Send comments to The Honorable Richard Johnson, Mayor of the City of Taunton, Bristol County, 15 Summer Street, Taunton, Massachusetts 02780.					
New York	Amityville, Village, Suffolk County	Great South Bay	At confluence of Woods Creek	*6	*10
			At Norman Avenue (extended)	*6	*9
			At intersection of Grand Central Avenue and Griffing Avenue.	*6	*7
Maps available for inspection at the Village Hall, 21 Green Avenue, Amityville, New York.					
Send comments to The Honorable Victor S. Niemi, Mayor of the Village of Amityville, Suffolk County, Village Hall, 21 Green Avenue, Amityville, New York 11701.					
New York	Babylon, Village Suffolk County	Great South Bay	At Bayview Avenue (extended)	*6	*9
			At intersection of Kingsland Place and Cedar Lane	*6	*7
Maps available for inspection at 153 West Main Street, Babylon, New York 11702.					
Send comments to The Honorable Gilbert C. Hanse, Mayor of the Village of Babylon, Suffolk County, 153 West Main Street, Babylon, New York 11702.					
New York	Lindenhurst, Village Suffolk County.	Great South Bay	Shoreline at South Bay Street (extended)	*5	*9
			Shoreline of Strongs Creek at South Ninth Street (extended).	*5	*7
Maps available for inspection at the Building Department, 430 South Wellwood Avenue, Lindenhurst, New York 11757.					
Send comments to The Honorable Thomas H. Kost, Mayor of the Village of Lindenhurst, Suffolk County, 430 South Wellwood Avenue, Lindenhurst, New York 11757.					
Oklahoma	Inola, Town Rogers County	Verdigris River	At downstream corporate limits	None	*547
			At upstream corporate limits	None	*548
Maps available for inspection at the Town Hall, Inola, Oklahoma.					
Send comments to the Honorable Tom Jackson, Mayor of the Town of Inola, Rogers County, P.O. Box 249, Inola, Oklahoma 74036.					
Oregon	Clackamas County (Unincorporated Areas).	Abernethy Creek	At the intersection of Anchor Way and Redland Road	None	*45
		Clackamas River	260 feet downstream from the downstream face of State Highway 99.	None	*44
		Clackamas River	700 feet west along Sample Road from 19th Avenue	*130	*126
		Clackamas River: (without consideration of levee).	900 feet south of a point 460 feet east along State Highway 212/224 from Sieben Lane.	None	*86
		Clackamas River: (without consideration of levee).	2,450 feet due east from the intersection of Eaden Road and Clads Court.	None	*175
		Clear Creek	200 feet due west from the intersection of Barlow Trail Road and Lolo Road.	None	*1,471
		Dear Creek	The upstream face of State Highway 213	None	*94

PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county.	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
		Eagle Creek	Downstream face of State Highway 211/224	None	*278
		Johnson Creek	Downstream face of Linwood Avenue	None	*144
		Kellogg Creek	Downstream face of Rusk Road	None	*65
		Milk Creek	70 feet from the intersection of Union Mills Road and Dalmation Road.	None	*250
Oregon	Clackamas County (Unincorporated Areas).	Milk Creek	The intersection of Canby Mulino Road and Mundorf Road.	None	#1
		Molalla River	270 feet due east of the intersection of McCown Road and Macksburge Road.	None	*296
		Mt. Scott Creek	Upstream face of Lake Road at Mt. Scott Creek	None	*69
		Mt. Scott Creek	570 feet north from a point 1,160 feet east of the confluence with Kellogg Creek.	None	#1
		Nyberg Slough	160 feet downstream of Nyberg Lane	None	*121
		Oswego Canal	1,000 feet north of a point 1,300 feet due east of the intersection of Dawn Avenue and Indian Springs Circle.	None	*113
		Oswego Canal	300 feet north of a point 1,060 feet due east of the intersection of Dawn. Avenue and Indian Springs Circle.	None	*114
		Oswego Canal	At the intersection of Childs Road and Indian Springs Circle.	None	*115
		Phillips Creek	Downstream face of SE McBride Street	None	*154
		Pudding River	Upstream face of Southern Pacific Railroad	None	*100
		Salmon River	Intersection with Arrah Wanna Blvd	*1,254	*1,253
Oregon	Clackamas County (Unincorporated Areas).	Salmon River North Channel	830 feet NE along Crystal Creek Road (extended) from the point where the road bends south toward Arrah Wanna Trail.	None	*1,216
		Sandy River	Just upstream from the upstream face of Lusted Road	None	*264
		Sandy River	80 feet downstream from the downstream face of Revenue Bridge.	None	*459
		Sandy River	The upstream face of Chalet Place	*990	*981
		Still Creek	Upstream face of Marion Road Bridge (Upper Bridge)	*1,722	*1,730
		Tualatin River	The upstream face of Stafford Road	None	*118
		Tualatin River	800 feet south along Indian Springs Circle (extended) from Dawn Avenue.	None	#2
		Willamette River	1,020 feet due north from the intersection of Riverforest Drive and Oakgrove Boulevard.	None	*34
		Willamette River	The confluence with the Clackamas River	None	*44
		Willamette River	160 feet south from a point located 820 feet due west from the intersection of 35th Drive and River Front Terrace.	None	*87
Oregon	Clackamas County (Unincorporated Areas).	Willamette River	30 feet west from a point located 80 feet north from the intersection of the west gage of Burlington Northern Railroad and Butteville Road.	None	*91
		Zig Zag River	6,130 feet east along the center of Salmonberry Road from Old Smokey Road.	None	*1,439

Maps are available for review at the Planning Department, 902 Abernethy Road, Oregon City, Oregon.

Send comments to The Honorable Dale Harlan, Chairman, Clackamas County Board of Commissioners, 906 Main Street, Oregon City, Oregon 97045

Vermont	Morristown, Town Lamoille County.	Lamoille River	At downstream corporate limits	*537	*535
			At confluence of Centerville Brook	*546	*544
			At confluence of Kenfield Brook	*549	*547
			Downstream side of Cody's Falls Dam	*566	*565
			110 feet upstream of Cody's Falls Dam	*587	*587
			135 feet upstream of the 2nd corporate limits	*643	*642
			1,500 feet upstream of confluence of Rodman Brook	*657	*654
			At upstream corporate limits	*664	*661

Maps available for inspection at the Town Hall Vault, Morristown, Vermont.

Send comments to The Honorable Sydney Mender, Town Clerk of Morristown, Lamoille County, P.O. Box 398, Morristown, Vermont 05661.

Vermont	Morrisville, Village Lamoille County.	Lamoille River	Approximately .21 mile downstream of the downstream corporate limits.	*590	*587
			Approximately 1.4 miles upstream of the upstream corporate limits.	*649	*648

Maps available for inspection at the Town Hall Vault, Morristown, Vermont.

Send comments to The Honorable O'Neil Demars, Jr., Chairman of the Village of Morrisville Board of Trustees, Lamoille County, c/o Town Clerk, P.O. Box 398, Morristown, Vermont 05661.

Harold T. Duryee,

Administrator, Federal Insurance Administration.

Issued: October 14, 1986.

[FR Doc. 86-23828 Filed 10-21-86; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF DEFENSE

Department of the Air Force

48 CFR Part 5315

Department of the Air Force Federal Acquisition Regulation Supplement; Contracting by Negotiation

AGENCY: Department of the Air Force, Defense.

ACTION: Proposed rule.

SUMMARY: On December 4, 1985, the Air Force published (at 50 FR 49708) a proposal to amend Title 48 of the Code of Federal Rgulations by establishing Chapter 53. FAR Subpart 15.8, Price Negotiation, is being supplemented by the Air Force to set forth the Air Force policy on the use and control of formula pricing agreements (FPAs).

DATE: Comments must be submitted in writing on or before December 8, 1986, to be considered in the formulation of the final rule. Please cite AF Case No. 40–86 in all correspondence related to this issue.

ADDRESS: Interested parties should submit written comments to HQ USAF/RDCP, Room 4C251, Pentagon, Washington, DC 20330–5040.

FOR FURTHER INFORMATION CONTACT: Capt. Jeff Parsons, HQ USAF/RDCP, telephone (202) 697–6522.

SUPPLEMENTARY INFORMATION:

A. Background

In a recent spare parts review, the GAO identified instances where buyers were using the existence of formula pricing agreements (FPAs) as justification for accepting proposed prices without performing adequate prices analysis. A review of this finding by members of the Air Staff determined that inadequate control and guidance on the FPAs contributed to this problem.

FPAs are a very effective tool for pricing large volumes of spare parts when used properly. They normally are written agreements between the Government and a contractor and set forth a methodology and the specific rates and factors to follow when pricing items covered by the FPA. However, their use cannot be taken for granted because they do not, in all cases, guarantee fair and reasonable prices for each individual item.

In order to maintain FPAs as an effective pricing tool, the Air Force has determined that the proper controls for their use need to be clarified in the AF FAR Supplement.

B. Regulatory Flexibility Act

The proposed addition of AF FAR Supplement 5135.890 is not expected to have a significant economic impact on a substantial number of small entities under the Regualtory Flexibility Act (5 U.S.C. 601 et. seq.) because FPAs shall be negotiated only with contractors (1) having a significant volume of Government business, (2) who are under Government in-plant contract administration and (3) who have a resident DCAA auditor.

C. Paperwork Reduction Act

This rule does not contain information collection requirements which require the approval of OMB under 44 U.S.C. 3501 et seq.

List of Subjects in 48 CFR Part 5315

Government procurement.

Therefore, it is proposed to amend Title 48 of the Code of Federal Regulations by adding Part 5315 to read as follows:

PART 5315—CONTRACTING BY NEGOTIATION

Subpart 5315.8—Price Negotiation

Sec.

Authority: 5 U.S.C. 301 and FAR 1.301

Subpart 5315.8—Price Negotiation

5315.890 Formula pricing agreements (FPA)

5315.890–1 Description.

Formula pricing agreemnts (FPAs), sometimes referred to as spare parts pricing agreements, set forth a pricing methodology and the specific rates and factors to be used when pricing items covered by the FPA. A FPA differs from a Forward Pricing Rate Agreement (FPRA) in that an FPA adresses a pricing methodology limited to a specific group of items and is normally used by only one buying activity, whereas FPRAs are generally limited to agreements on individual rates or factors, apply to many items, and are required to be used by all buying activities. Any pricing agreement made with a contractor shall be considered to be a FPA if it contains the following features:

(a) The agreement governs the pricing methodology of more than one future contract action and identifies the category(s) of purchases to be covered (for example, F–100 replenishment spares).

(b) The pricing agreement is expressed in terms which specify the direct cost inputs and the rates and/or factors to be applied to identified bases plus profit or fee.

5315.890–2 Policy

It is Air Force policy to establish as many FPAs as necessary to ease negotiation of large numbers of contract actions and reduce the number of undefinitized contractual actions. However, FPAs shall only be negotiated with contractors having a significant volume of Government business and application normally shall be limited to acquistion under $100,000. FPAs anticipating individual acquistions over $100,000, shall be approved by the HCA and shall specifically establish the maximum dollar amount for an acqusition priced using the FPA. Proposals received above $100,000 must be sumbitted with a SF 1141 and a certificate of current cost or pricing data. All FPAs shall—

(a) Be in writing and signed by a contracting officer;

(b) Only be negotiated with contractors who are under Government in-plant contract administration cognizance and have a resident DCAA auditor. (This requirement may be waived with HCA approval);

(c) Identify all rates/factors that are a part of the FPA; however, the FPA may reference a FPRA(s) as long as the agreement prescribes the effect and treatment of changes in the FPRA;

(d) Not exceed twelve months duration without renegotiation of the FPA including a certification of current cost or pricing data;

(e) Provide specific terms and conditions covering expiration date, application, and data requirements for systematic monitoring to assure the continuing validity of the agreement;

(f) Provide for cancellation at the option of either party;

(g) Require the contractor to submit to the contracting officer, and to the cognizant contract auditor, any significant change in cost or pricing data, estimating system, or accounting system and its impact on the FPA. (A significant change is defined as one that would cause a 5% increase or decrease in the price generated by the formula.);

(h) Require the contractor to identify the FPA and the date of the latest certification of cost or pricing data supporting the FPA in each specific pricing proposal where the formuia is used. The contractor shall also be

required to identify those items that were not priced with the formula if they are commingled in a proposal that contains items priced with the formula;

(i) Provide that the FPA shall not be used if the contractor's purchasing, estimating, or accounting system are disapproved by the Government;

(j) Provide that the contracting officer, or designated representative, may perform detailed cost or price analysis on random samples of proposed items and/or those items that have unit prices which are significantly higher than previous buys;

(k) Be supported by certified cost or pricing data in accordance with FAR 15.804, including the submission of a signed certificate of current cost or pricing data at the time agreement is reached on the FPA, and shall include the clause at FAR 52.215–22, Price Reduction for Defective Cost or Pricing Data;

(l) Provide that the price of individual contract actions priced under the FPA shall be reduced if—

(1) It is found that the cost or pricing data supporting the FPA was inaccurate, incomplete, or not current;

(2) The contractor fails to comply with 5315.890–2(g); or

(3) The price was developed through incorrect application of the FPA;

(m) Provide that individual contract actions priced using the FPA shall contain a clause incorporating the FPA by reference;

(n) Be based on a pricing methodology that ensures that unit prices are in proportion to the item's base cost (see FAR 15.812); and

(o) Identify the total estimated dollars to be priced using the FPA.

5315.890–3 Responsibilities.

(a) Major commands shall—

(1) Establish appropriate approval level for FPAs;

(2) Maintain a list of FPAs which identifies the company, group of items to be purchased, and total estimated dollars to be priced using the FPA;

(3) Conduct periodic reviews of FPAs and contract actions priced using FPAs; and

(4) Establish agreements with other DOD agency contract administration offices to provide field pricing support, negotiation support, and administrative support of Air Force negotiated FPAs.

(b) Air Force contract administration offices shall—

(1) Comply with the requirements of 5315.890–3(c) for those FPAs negotiated by the administrative contracting officer (ACO) for their own use;

(2) Make any FPA negotiated by the ACO available to any other buying activity for their use;

(3) Provide field pricing support to contracting officers in the evaluation of FPAs;

(4) Participate in the negotiation of FPAs;

(5) Notify the contracting officer, who negotiated the FPA, when conditions arise that may affect the FPA's validity; for example, changes to an FPRA, disapproval of a contractor's purchasing system, and so forth. When appropriate, recommend the FPA be cancelled and renegotiated;

(6) Periodically validate the contractor's compliance with the FPA; and

(7) Monitor rates and factors incorporated into each FPA.

(c) Contracting officers shall—

(1) Be responsible for the negotiation of the FPA and ensure that it complies with the requirements contained in 5315.890–2;

(2) Obtain field pricing support, including contract audit and technical reviews, in the evaluation of FPAs;

(3) Prepare a price negotiation memorandum covering the pricing factors used in the FPA;

(4) Request CAO participation in negotiations;

(5) Semi-annually request the DCAA resident auditor to determine if the contractor is complying with the FPA procedures;

(6) Determine the effect of changed conditions that may affect a FPA's validity, cancel FPAs when appropriate, and notify all interested parties upon cancellation of the FPA;

(7) Not use a FPA that has been cancelled;

(8) At a minimum, conduct the following evaluation of each proposal generated under a FPA:

(i) Determine the applicability of the FPA to the items proposed.

(ii) Determine the reasonableness of direct cost inputs to the formula, unless they are established by the formula.

(iii) Determine the reasonableness of any non-covered cost proposed, such as nonrecurring costs.

(iv) Compare prices generated by the FPA to prior prices, government estimates, PR estimates, to ensure reasonableness. The existing of a FPA does not relieve the contracting officer from the responsibility of assuring that a price is fair and reasonable;

(9) Conduct detailed cost analysis on random samples of proposed items and/or those items that have unit prices which are significantly higher than previous buys;

(10) Ensure that individual contract actions priced using the FPA comply with the terms of the FPA;

(11) Track and monitor the number of actions and total dollars of contract awards priced under the FPA and assess the impact on FPA rates and factors when actual awards significantly exceed forecasted awards; and

(12) Comply with 5315.905–1(b)(7)(C) when pricing an undefinitized contractual action using a FPA.

5315.890–4 FPAs negotiated by other DOD agencies.

FPAs negotiated by other agencies shall not be used by any Air Force activity unless they comply with the requirements in 5315.890–2.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 86–23779 Filed 10–21–86; 8:45 am]

BILLING CODE 3910–01–M

Notices

Federal Register
Vol. 51, No. 204
Wednesday, October 22, 1986

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Soil Conservation Service

Massac County School Critical Area Treatment Measure, Illinois

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental statement is not being prepared for the Massac County School Critical Area Treatment Measure, Massac County, Illinois.

FOR FURTHER INFORMATION CONTACT: John J. Eckes, State Conservationist, Soil Conservation Service, 301 North Randolph Street, Champaign, Illinois 61820, Telephone (217) 398–5267.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicated that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, John J. Eckes, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project concerns are a critical erosion on school property, a roadbank, water quality, and safety. The planned works of improvement include, grassed waterways, grade stabilization structures, streambank restoration, critical area seeding, roadbank restoration, and improvement to an existing dike.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting John J. Eckes.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register.**

(This activity is listed in the Catalog of Federal Domestic Assistance under No. 10.901—Resource Conservation and Development—and is subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials.)

John J. Eckes,

State Conservationist.

October 7, 1986.

[FR Doc. 86–23841 Filed 10–21–86; 8:45 am]
BILLING CODE 3410–16–M

DEPARTMENT OF COMMERCE

International Trade Administration

[C–122–602]

Preliminary Affirmative Countervailing Duty Determination: Certain Softwood Lumber Products From Canada

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: We preliminarily determine that benefits which constitute subsidies within the meaning of the countervailing duty law are being provided to manufacturers, producers, or exporters in Canada of certain softwood lumber products as described in the "Scope of Investigation" section of this notice. The estimated net subsidy is 15.00 percent *ad valorem.* Those companies excluded from this determination are listed in the "Suspension of Liquidation" section of this notice.

We have notified the U.S. International Trade Commission (ITC) of our determination. We are directing the U.S. Customs Service to suspend liquidation of all entries of certain softwood lumber products (the subject merchandise) from Canada that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice, and to require a cash deposit or bond on entries of the subject merchandise in an amount equal to the estimated net subsidy.

If this investigation proceeds normally, we will make our final determination by December 30, 1986.

EFFECTIVE DATE: October 22, 1986.

FOR FURTHER INFORMATION CONTACT: Barbara Tillman or Gary Taverman, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW, Washington, DC 20230; telephone: (202) 377–2438 or 377–0161.

SUPPLEMENTARY INFORMATION:

Preliminary Determination

Based upon our investigation, we preliminarily determine that there is reason to believe or suspect that certain benefits which constitute subsidies within the meaning of section 701 of the Tariff Act of 1930, as amended (the Act), are being provided to manufacturers, producers or exporters in Canada of the subject merchandise. For purposes of this investigation, the following programs are found to confer subsidies:

A. Stumpage Programs

1. Alberta
2. British Columbia
3. Ontario
4. Quebec

B. Federal Programs

1. Certain Types of Investment Tax Credits
2. Program for Export Market Development
3. Regional Development Incentive Program
4. Industrial and Regional Development Program
5. Community-Based Industrial Adjustment Program

C. Joint Federal-Provincial Programs

1. Certain Agricultural and Rural Development Agreements
2. Subsidiary Agreements under the General Development Agreements
3. Subsidiary Agreements under the Economic and Regional Development Agreements
4. Sawmill Improvement Program

D. Provincial Programs

1. *British Columbia*
   a. Critical Industries Act
   b. Low Interest Loan Assistance Program

2. *Quebec*
   a. Tax Abatement Program
   b. Export Promotion Assistance
   c. Assistance to and by the Forest Salvage, Management and Development Corporation of Quebec
   d. Industrial Development Corporation Export Expansion Program
   e. Lumber Industry Consolidation and Expansion Program

We preliminarily determine the estimated net subsidy to be 15.00 percent *ad valorem*.

Case History

On May 19, 1986, we received a petition in proper form from the Coalition for Fair Lumber Imports on behalf of the U.S. industry producing the subject merchandise. The Coalition for Fair Lumber Imports is a group of U.S. softwood lumber manufacturers and associations representing U.S. manufacturers of the subject merchandise. In compliance with the filing requirements of section § 355.26 of the Commerce Regulations (19 CFR 355.26), the petition alleged that manufacturers, producers or exporters in Canada of the subject merchandise receive, directly or indirectly, benefits which constitute subsidies within the meaning of section 701 of the Act and that the U.S. softwood lumber industry is being materially injured or threatened with material injury by reason of these subsidized imports of Canadian softwood lumber. On June 4, 1986, the Government of Canada exercised its right to consultation pursuant to Article 3:1 of the Agreement on Interpretation and Application of Articles VI, XVI, and XXIII of the General Agreement on Tariffs and Trade. On June 5, 1986, we initiated a countervailing duty investigation (51 FR 21205, June 11, 1986).

Since Canada is a "country under the Agreement" within the meaning of section 701(b) of the Act, Title VII of the Act applies to this investigation, and the ITC is required to determine whether imports of the subject merchandise from Canada materially injure, or threaten material injury to, a U.S. industry. On June 26, 1986, the ITC determined that there is a reasonable indication that an industry in the United States is materially injured by reason of imports from Canada of the subject merchandise (51 FR 25752, July 16, 1986).

On July 7, 1986, we determined that this investigation was extraordinarily complicated in accordance with section 703(c)(1)(B)(i) of the Act, and that additional time was necessary to make the preliminary determination. We, therefore, postponed the statutory deadline for issuing this preliminary determination to no later than October 16, 1986. In addition, based upon information received from the ITC, we amended the "Scope of Investigation" to include item 202.54 of the *Tariff Schedules of the United States* (TSUS) (51 FR 24568, July 7, 1986).

We presented a questionnaire concerning the allegations to the Government of Canada in Washington, DC, on June 17, 1986, and in Ottawa on June 19, 1986. On August 13, 1986, we received a response to our questionnaire containing information submitted by the Government of Canada and the Governments of Alberta, British Columbia, Manitoba, New Brunswick, Newfoundland, Nova Scotia, Ontario, Prince Edward Island, Quebec and Saskatchewan. We presented a deficiency and supplemental questionnaire to the Government of Canada in Washington, DC, on August 28, 1986. We received a response to this questionnaire on September 15, 1986. In addition, we presented a company stumpage questionnaire to the Government of Canada in Washington, DC, on August 29, 1986. We received responses to the company questionnaire on September 19, 1986.

On August 11, 1986, petitioner submitted information to the Department which contained allegations on additional programs which may provide benefits constituting subsidies under the Act. We presented a questionnaire on certain of these programs to the Government of Canada in Washington, DC, on August 26, 1986. On September 17, 1986, we received a response to this questionnaire containing information submitted by the Government of Canada and the Governments of Alberta, British Columbia and Quebec. On October 6, 1986, we sent a supplemental questionnaire to the Government of Canada on rail transportation programs, and on October 10, 1986, we repeated our request for certain information on stumpage that had not yet been provided.

Over the course of this investigation, we have heard from several U.S. firms requesting that certain cedar products and clear and shop lumber te removed from the scope of investigation. We are considering these requests and will address them in our final determination.

Exclusion Requests

In accordance with § 355.38 of the Commerce Regulations, several Canadian firms, claiming not to have benefited from subsidies, requested exclusion from any possible countervailing duty order in this case. On August 8, 1986, we informed the Government of Canada of the requests and presented a questionnaire to be answered by each of the firms requesting exclusion. At that time, we confirmed with the Canadian government that a firm would be eligible for exclusion if it either did not participate, or participated only at a *de minimis* level for all programs under investigation during the review period. We also confirmed that the Canadian government was required to certify either non-use by the companies of these programs, or that the overall net benefit received under these programs was *de minimis*. In addition, we required that information on the amounts of benefits received and a calculation of any net benefits be provided for each requesting company. On August 29, 1986, we presented a supplemental questionnaire covering additional subsidy allegations to the Canadian government. We also required that it be answered by the companies requesting exclusion. We received responses to the exclusion questionnaires and government certifications on August 28, and September 9 and 29, 1986.

Based on our review of the responses and the certifications received, we have excluded 20 companies from this preliminary determination. The names of those companies are listed in the "Suspension of Liquidation" section of this notice. We will work closely with the U.S. Customs Service to establish appropriate certification procedures to monitor exports from those companies excluded from this determination.

Scope of Investigation

The products covered by this investigation are softwood lumber, rough, dressed, or worked (including softwood flooring classified as lumber), provided for in TSUS items 202.03 through 202.30, inclusive; softwood siding, not drilled or treated, provided for in items 202.47 through 202.50, inclusive; other softwood siding, provided for in items 202.52 and 202.54; and softwood flooring provided for in item 202.60 of the TSUS.

Analysis of Programs

Throughout this notice we refer to certain general principles applied to the facts of the current investigation. These general principles are described in the "Subsidies Appendix" attached to the notice of *Cold-Rolled Carbon Steel Flat-Rolled Products from Argentina: Final Affirmative Countervailing Duty Determination and Countervailing Duty Order* (49 FR 18006, April 26, 1984).

With respect to the calculation of benefits from grant programs, we requested information going back ten years (the average useful life of equipment used in the sawing of dimensional stock from logs and the manufacture of wood products). We totaled all grants received in each of the ten years and divided the sum by the respective year's sales of the subject merchandise. For each year (including the review period), the sum of all grants was less than 0.5 percent of that year's sales. Therefore, we expensed all grants in the year of receipt. Accordingly, those grant programs which did not provide funds to manufacturers, producers, or exporters of the subject merchandise during the review period have been preliminarily determined not to be used since they did not confer benefits upon the subject merchandise during the review period.

With respect to the benchmark interest rate used to calculate benefits from loan programs, for long-term fixed-rate loans, we used the long-term corporate bond rate in Canada as published by the Bank of Canada. For long-term variable-rate loans, because we had no long-term variable interest rates to use as a benchmark, we relied on a short-term interest rate which in this case is the 90-day prime corporate paper rate as reported by the Bank of Canada. For short-term loans, we also used the 90-day prime corporate paper rate.

Since we are using aggregate information in this investigation, the responses reported the receipt of benefits provided under each program to manufacturers, producers, or exporters of the subject merchandise in all of Canada. Our denominator used to measure the benefits provided under each non-stumpage program was either the value of softwood lumber shipments or the export value of softwood lumber shipments, reduced respectively by the sales or export value from those companies granted exclusions. In cases where recipients produced more than the subject merchandise, and we had the information available to us, we prorated the receipt of benefits to subject and non-subject merchandise. We then applied that portion attributable to the subject merchandise in the calculation of any estimated net subsidy for each countervailable program. In cases where segregated information was not available, we assumed all benefits were conferred upon the subject merchandise. The methodology used to calculate the benefits from the provincial stumpage programs is described in that section of this notice.

Consistent with our practice in preliminary determinations, when a response to an allegation denies existence of a program, receipt of benefits under a program, or the eligibility of a company or industry under a program, and the Department has no persuasive evidence showing that the response is incorrect, we accept the response for purposes of the preliminary determination. All responses are subject to verification. If the response cannot be supported at verification, and the program is otherwise countervailable, we will consider the program to be a subsidy in the final determination.

Unless otherwise specified, all values referred to are denominated in Canadian dollars.

For purposes of this preliminary determination, the period for which we are measuring subsidization (the review period), unless otherwise specified, is the Government of Canada's 1985/86 fiscal year (April 1, 1985–March 31, 1986). Based upon our analysis of the petition and the responses to our questionnaires, we preliminarily determine the following:

I. Programs Preliminarily Determined to Confer Subsidies

We preliminarily determine that subsidies are being provided to manufacturers, producers or exporters in Canada of the subject merchandise under the following programs:

A. Stumpage Programs of the Provincial Governments

Petitioner alleged that the provincial stumpage programs [1] of Alberta, British Columbia, Ontario and Quebec confer a domestic subsidy on the products under investigation. Specifically, petitioner alleged that stumpage programs are provided to a specific group of industries within the meaning of section 771(5)(B) of the Act, and that such programs constitute the provision of a good at preferential rates under subsection 775(5)(B)(ii) of the Act.

In our *Final Negative Countervailing Duty Determinations: Certain Softwood Products from Canada (Softwood Products)* (48 FR 24159, May 31, 1983), we determined that stumpage programs were not provided to a "specific enterprise or industry, or group of enterprises or industries" and did not entail the provision of goods at preferential rates. We determined in *Softwood Products* that stumpage programs were not limited to a "group of enterprises or industries" because (1) any limitations on use were not due to activities of the Canadian governments, and (2) the actual users of stumpage spanned a wide range of industries. We also determined that stumpage programs did not entail the provision of goods at preferential rates because there was no evidence of price discrimination within the relevant jurisdictions.

Based on petitioner's presentation of new evidence which indicated that the use of stumpage programs may be limited by certain government policies, and on petitioner's contention that there has been an evolution in the Department's interpretation of the countervailing duty law, both in terms of the specificity test and the measure of preferentiality, we determined that a re-examination of the provincial stumpage programs in Alberta, British Columbia, Ontario, and Quebec was warranted.

We also note that the specificity test has been closely examined and questioned by the Court of International Trade. In *Cabot Corp.* v. *United States*, 620 F. Supp. 722 (Ct. Int'l Trade 1985), the Court rejected the Department's specificity test and its application in *Carbon Black from Mexico* (48 FR 29564, June 27, 1983). That decision has prompted a re-evaluation of the specificity test within the Department.

As in the prior investigation, the central issue in this case involves the application of the Department's specificity test, also known as the "general availability test." In particular, the issue is whether or not stumpage is provided to a specific enterprise or industry, or group of enterprises or industries.

The specificity test has been one of the more controversial aspects of the Department's administration of the countervailing duty law. The Department continues to adhere to the position that specificity is a prerequisite for a domestic subsidy, and that a domestic program is a subsidy only if it is limited to a specific enterprise or industry, or group of enterprises or industries. Here, petitioner does not question the general validity of the specificity test, but argues that stumpage is "specific" under that test.

Although Congress intended that the specificity test be part of the countervailing duty law, it provided no guidance, other than the bare words of the statute, concerning the application of that test. Thus, the Department has had

[1] In general, "stumpage" refers to standing timber and "stumpage programs" refer to the systems by which individuals and companies acquire rights to cut and remove standing timber from provincial forest lands. The stumpage programs of the provincial governments are described in further detail in Appendix A of this notice.

to develop the test through its experience in actual cases, relying on the basic purpose of the countervailing duty law and exercising the discretion conferred upon us by Congress. Based on our six years of experience in administering the law, we have found thus far that the specificity test cannot be reduced to a precise mathematical formula. Instead, we must exercise judgment and balance various factors in analyzing the facts of a particular case in order to determine whether an "unfair" practice is taking place.

Among the factors we consider are: (1) The extent to which a foreign government acts to limit the availability of a program; (2) the number of enterprises, industries, or groups thereof which actually use a program, which may include the examination of disproportionate or dominant users; and (3) the extent to which the government exercises discretion in making the program available. The Department must consider all of these factors in light of the evidence on the record in determining the specificity in a given case.

The Department received inadequate responses to its questions concerning the specificity of the provincial stumpage programs. Therefore, we must use as best information available the information we have on the record, both from respondents and from petitioner and draw reasonable inferences where necessary to make a preliminary determination regarding the specificity of the provincial stumpage programs.

Petitioner alleges that the Canadian governments' exercise of discretion has led to the provision of stumpage to a specific group of industries. Since we did not consider the question of discretion in *Softwood Products*, we have only the information provided in the current investigation on which to base our finding. The information we do have indicates that the four provincial governments exercise considerable discretion in the allocation of stumpage licenses. Furthermore, the provinces have not demonstrated that their discretionary allocation systems do not provide-lumber producers a greater share of the annual allowable cut than they would have received absent the discretion.

While the implementing legislation in the Provinces allow any potential user to apply for a license, they also permit the administering ministries a wide degree of discretion in determining the actual recipients of licenses. The provinces do not grant stumpage rights on a first come, first served basis. Rather, they consider criteria such as the creation of employment, status of the applicant, the furthering of provincial development objectives, the ability to use fully the timber allocated to the firm, and the efficiency of the technology to be used by the applicant. Neither the implementing legislation nor the regulations define these criteria in an objective manner.

The provinces may also use discretion in directing which products are to be produced from timber. For example, the terms of an allocation arrangement may require the holder to operate certain types of mills or to acquire specific equipment. The provincial governments must approve all transactions involving cut logs from provincial lands and all transfers of stumpage rights. They retain the authority to change all terms and conditions in any such transfer.

Thus, the provinces exercise considerable discretion in allocating their stumpage rights. While the existence of discretion does not *per se* mean that a benefit is specific, when the discretion results in the targeting of a specific enterprise or industry or group of enterprises or industries, then that program is countervailable. Discretion need not result in the exclusion of all other users of the good to be considered limiting. It must, however, allow a specific enterprise or industry or group of enterprises or industries greater access to, and use of, the good than would be the case absent discretion.

Therefore, we must next consider whether government discretion has actually skewed the allocation of stumpage rights to the lumber industry. The responses provided little information on the percentage of annual allowable cut allocated to lumber producers. However, Ontario did provide information which demonstrated that a large proportion of the annual allowable cut goes into lumber production. Moreover, petitioner alleges that government discretion has skewed the allocation of stumpage rights, citing examples of specific acts of targeting in each of the four provinces.

For example, petitioner alleged that in Alberta the government provides Forest Management Agreements only to users who agree to process all standing timber of suitable size in a sawmill and then to use the residues and remaining trees for pulp. Thus, license holders are restricted in the use to which they put the timber they log. In British Columbia, petitioner alleged that the government may limit applicants to specific industries. Petitioner cites two sales in the Queen Charlotte Timber Supply Area which required the successful applicants to operate sawmills on Graham Island. Petitioner alleged that the Ontario government has stated that, over the course of the 1970's, the government's policies resulted in allocating the entire annual allowable cut under Crown Management Units to sawmills. Petitioner also alleged that in Quebec the government is restricting other industries' access to domanial forests unless they agree to operate sawmills. These domanial forests are licensed under supply agreements. Over 70 percent of total allocation under supply agreements has been awarded to sawmills. Petitioner argues that this discretionary action has resulted in more than doubling the output of the softwood sawmills in ten years.

Since there is significant evidence indicating that the discretionary allocation of stumpage rights results in targeting and distortion, we preliminarily determine that the stumpage programs of Alberta, British Columbia, Ontario, and Quebec are limited to a specific group of industries.

Our re-examination of the provincial stumpage programs has included re-consideration of our finding in *Softwood Products* that stumpage programs were *de facto* non-specific. Despite an earlier examination of this issue, information from the respondents combined with the facts presented by petitioner, raise too many questions for us now to determine that stumpage is not, in fact, limited. Instead, information that has been provided indicates that certain conclusions reached in *Softwood Products* may not be supported by the information thus far submitted on the record in this investigation.

One conclusion drawn in *Softwood Products* concerned the number and types of actual users of stumpage. While in *Softwood Products* we determined that stumpage was used by the lumber and wood products industries, the pulp and paper industries, and furniture manufacturing industries, the record of the current investigation indicates one undisputed fact: furniture manufacturers own negligible rights, if they hold rights at all, to stumpage in any of the four relevant provinces. Thus, contrary to our determination in *Softwood Products*, the industries actually using provincial stumpage do not include the furniture manufacturing industries.

Another situation not noted in the earlier proceeding is the integration of the lumber and pulp and paper industries. The responses indicate that the lumber and pulp and paper companies tend to be horizontally integrated into single enterprises. Integration, in part, results from the complementary production process involved in timber processing: wood chips, by-products of lumber production,

are the primary input product for the production of pulp. Further, petitioner asserted that these industries share the same trade associations, and that the employees belong to the same trade unions. These factors call into question the earlier conclusion that stumpage rights are not in fact limited to one group of industries.[2]

Additionally, reference to the Standard Industrial Classification system to classify groups of industries may prove to be misplaced in this investigation in light of the integration and concentration of production indicated above. Again, however, we note that, except for information from Ontario, the Canadian governments failed to supply actual data on the products specifically produced by each of the major holders of stumpage rights.

As noted above, we preliminarily find that the exercise of governmental discretion has led to the provision of stumpage to a specific group of enterprises or industries. Having made this determination, we must also determine whether stumpage rights are provided at preferential rates within the meaning of section 771(5)(B)(ii) of the Act. Our preferred test for determining whether goods or services are provided at preferential rates is to measure government price discrimination within the jurisdiction.

The stumpage programs we are investigating are described in Appendix A. The price for stumpage under these programs is determined either by an appraisal system, or is set administratively or legislatively. Of the provinces whose stumpage programs are under investigation, only British Columbia and Alberta have competitively bid sales of stumpage. Generally, competitively bid sales will not confer subsidies unless the government acts to limit supply and demand.

We do not consider the competitively bid sales as providing an accurate measure of price discrimination because we do not have information on the adjustments in price that must be made between competitively bid and non-competitively bid stumpage sales. We are not satisfied that competitively bid sales are the same product, broadly defined. In other words, we cannot say that competitively bid stands are as accessible as non-competitively bid stands, that the quality of the stumpage is comparable or that obligations undertaken by the stumpage users are identical. Furthermore, we cannot accurately gauge the effect that the duration of a stumpage license has on the price of stumpage. Moreover, we note that, where the government limits supply and demand conditions, the competitively bid price may be rendered meaningless. Therefore, we lack adequate information to determine whether there is price discrimination by the provincial governments of British Columbia and Alberta.

Since the holders of provincial stumpage are limited and we have no comparable, generally available reference price to use as a benchmark for measuring price discrimination, we have turned to the *Preferentiality Appendix to* Preliminary Results of Administrative Review: Carbon Black from Mexico (51 FR 13269; April 18, 1986). The alternative tests in the *Preferentiality Appendix* are designed to determine whether a government is providing a good or service at a preferential rate in those situations where the users are limited. The alternatives outlined are as follows: (1) Prices charged by the government for a similar or related good; (2) prices charged within the jurisdiction by other sellers for an identical good or service; (3) the government's cost of producing the good or service; and (4) external prices.

We preliminarily determine that alternative one, prices charged by the same seller for a similar or related good, is not an appropriate measure of preferentiality for provincial stumpage programs. As noted in our *Preferentiality Appendix*, the similar good and its price must not be limited to a "specific enterprise or industry, or group of enterprises or industries." The only good similar to softwood stumpage is hardwood stumpage, which is limited to virtually the same users as softwood stumpage and allocated under the same programs. Based on information submitted in this proceeding, we cannot say that hardwood stumpage is not limited to a "specific enterprise or industry, or group of enterprises or industries." Therefore, the price for hardwood stumpage is not an appropriate reference price for the programs at issue.

We preliminarily determine that alternative two, prices charged within the jurisdiction by other sellers for an identical good or service, is also an inappropriate measure of preferentiality for provincial stumpage programs. Alberta, British Columbia, Ontario and Quebec did not submit significant private price information, and stated that they do not collect data on private sales. The responding companies reported only four sales of private stumpage during the review period. Further, as noted above, the government's presence in the market may have distorted private stumpage prices. Therefore, we are unable to derive a reasonable benchmark based on private stumpage prices.

We preliminarily determine that alternative three, the government's cost of producing the good or service, is an appropriate measure of preferentiality for provincial stumpage programs. Alberta, British Columbia, Ontario and Quebec do not recover the costs of providing standing timber to stumpage holders; expenditures directly related to commercial timber harvesting exceed directly related revenues. Stumpage holders benefit from the shortfall in provincial revenue. Therefore, we preliminarily determine that the provincial stumpage programs of Alberta, British Columbia, Ontario and Quebec involve the provision of goods at preferential rates within the meaning of section 771(5)(B)(ii).

In calculating costs borne by the government in producing the product concerned, stumpage rights, we have included the value of standing timber as an imputed cost to the government. The primary input into the selling of stumpage rights is the tree itself. While the provincial governments incur no direct costs for trees and the land on which they are situated, an imputed or indirect cost is associated with the intrinsic value of the tree and land. To determine whether the provincial governments are recovering their costs of production, the value or imputed cost of standing timber must be considered along with all direct costs.

To calculate the benefit for the review period, we determined from provincial responses revenues directly associated with stumpage payments. We compared these amounts for each province to expenditures undertaken by each provincial government to maintain commercial timberland and administer stumpage programs, and included as an imputed cost an amount representing the intrinsic value of standing timber. Because we have no information available to us that reflects the exact value of provincial timber resources, we have chosen surrogates that best portray timber value in each province.

[2] Sixteen of the twenty largest lumber producers in Canada also produce pulp and paper or other wood products. The British Columbia response estimates that 80 percent of softwood chips used in provincial mills are obtained from "associated" sawmills. The two pulp mills and the two veneer and plywood mills in Alberta also own sawmills. At least 50 percent of the softwood cut on provincial land in the last government fiscal year in Ontario was cut by integrated firms. In Quebec, companies which produce exclusively pulp and paper accounted for only nine percent of the provincial harvest.

For British Columbia and Alberta, we used competitive bid prices under government administered programs as surrogates for the value of standing timber in these provinces. In calculating the price of competitively bid stumpage, we have excluded certain other costs borne by the stumpage holder. For example, in Alberta we have not included reforestation fees. In doing this, we have attempted to isolate the competitively bid price for the tree, not the "extras" that made up the broadly defined product. For Quebec and Ontario we used private prices reported in the New Brunswick response as a surrogate.

We calculated an amount by which costs exceeded revenues per cubic meter, and multiplied this by the total cubic meters of timber used in lumber production. Dividing this amount by lumber sales in the four relevant provinces during the review period, we preliminarily determine an estimated net subsidy of 14.542 percent *ad valorem.*

B. Federal Programs

1. Certain Types of Investment Tax Credits (ITCs). There are several categories of ITCs in Canada: one encourages general capital investment; three others encourage capital investment in certain regions of the country; another, designed to stimulate scientific research, is available for general research and development.

The first category of ITCs is for investment in qualified property, qualified transportation equipment and qualified construction equipment. The basic ITC for investment in this category is seven percent. The second category provides for an additional three or 13 percent only for qualified property used in certain regions.

The third category of ITCs is for investment in "certified property." The distinguishing factor between "certified property" and "qualified property" is that the former must be located in prescribed regions characterized by high levels of unemployment and low per capita income. The ITC rate for certified property is 50 percent.

The fourth category of ITCs is for scientific research. Eligible expenditures under this category include the cost of capital equipment used for scientific research and expenses attributable to scientific research. A basic 20 percent ITC rate is available for qualifying scientific research expenditures, while the rate for expenditures made in designated regions of Canada is 30 percent. For small Canadian-controlled private corporations, the rate is 35 percent. Before October 31, 1983, these rates were 10, 20 and 25 percent, respectively.

The fifth category provides an ITC of ten percent to all companies in Canada with respect to research and development (20 percent for small businesses).

In our *Final Affirmative Countervailing Duty Determination: Oil Country Tubular Goods from Canada* (OCTG) (51 FR 15037, April 22, 1986), we stated that there were five categories of ITCs. According to the response in the instant case, however, a sixth category provides a 60 percent ITC for approved project property acquired after May 13, 1985, and before 1993, in the Cape Breton Island region of Nova Scotia.

Prior to April 19, 1983, claims for ITCs in each year were limited to $15,000 plus one-half of the amount by which federal tax otherwise payable was greater than $15,000. Earned credits above this limit could be carried forward for five years. On April 19, 1983, the carry-forward was increased to seven years (ten years for the Cape Breton ITC) and a three year carry-back was implemented.

A portion of ITCs earned after April 19, 1983, and before December 31, 1988, not claimed in the year earned because of insufficient tax payable, was (or will be) refundable in cash to the taxpayer. The refundable rate is 20 percent of unused credits for large businesses, 40 percent for individuals and small businesses and 40 percent for approved project property (the Cape Breton ITC). This type of refund applies only in the year the credit was earned, the remainder being carried forward in the manner previously described.

Because the basic seven percent rate for "qualified property" is not limited to a specific enterprise or industry, or group of enterprises or industries, or to companies within specific regions, we preliminarily determine it to be not countervailable. However, because the additional rates of three and 13 percent for qualified property are limited to companies within certain regions, we preliminarily determine those additional benefits to be countervailable. The 50 percent ITC rate for "certified property" is also limited to specific regions. Thus, we preliminarily determine that the additional benefit above the basic rate of seven percent is countervailable.

Because the 20 and 25 percent rates for scientific research ITCs are not limited to a specific enterprise or industry, or group of enterprises or industries, or to companies in specific regions, we preliminarily determine them to be not countervailable. Because the 30 percent rate is limited to companies in specific regions, we preliminarily determine that the additional benefit above the basic rate of 20 percent is countervailable.

Because research and development ITCs are not limited to a specific enterprise or industry, or group of enterprises or industries, or to companies within specific regions, we preliminarily determine them to be not countervailable.

The Cape Breton ITC was not claimed by manufacturers, producers, or exporters of the subject merchandise during the review period.

Our standard methodology to calculate the benefit from a tax program would be to consider the benefit to be the amount of tax credits claimed on the tax return filed during the review period. However, because the response contains tax information only through 1983, we are using, as best information available, those tax credits claimed in 1983.

The Government of Canada was unable to segregate the total amount of credits claimed by manufacturers, producers, or exporters of the subject merchandise in 1983. Therefore, we are using, as best information available, those credits claimed by sawmills, planing mills, and miscellaneous wood products manufacturers. In addition, because the response did not identify which of the 20 percent ITCs were for Scientific Research ITCs, we are assuming that all 20 percent ITCs were for investments in qualified property, transportation, and construction equipment used in certain regions, and also qualified for the basic seven percent rate. We divided the amount of claimed credits in 1983 by the total value of shipments of sawmills, planing mills, and miscellaneous wood products in 1983 and calculated an estimated net subsidy of 0.047 percent *ad valorem.*

2. Program for Export Market Development (PEMD). PEMD is administered by the Department of External Affairs and is available to exporting businesses in the manufacturing or service sectors. PEMD facilitates the development of export markets for Canadian products by providing assistance for project bidding, market identification, export consortia, sustained export market development, participation in trade fairs abroad, and bringing in foreign buyers. PEMD assistance is in the form of interest-free loans with repayment terms dependent upon the success of the export promotion activity. If sales result from the export promotion, the funds must be repaid at a rate of two percent of sales generated for a period of three years up to the amount of assistance provided.

Since PEMD loans are provided for export activities at preferential rates, we

preliminarily determine that assistance provided under the program to promote exports of the subject merchandise to the United States confers benefits which constitute export subsidies. To calculate the benefit, we treated all loans which were still eligible for repayment during the review period as short-term, interest-free loans and applied our short-term loan methodology. We used as our benchmark the 90-day prime corporate paper rate as reported by the Bank of Canada. We treated loans forgiven in fiscal years 1976 through 1985 as grants and expensed them in the year of receipt. Adding the results and dividing by the value of softwood lumber shipments to the United States during the review period, we calculated an estimated net subsidy of less than 0.001 percent *ad valorem.*

3. Regional Development Incentive Program (RDIP). RDIP was administered by the Department of Regional Economic Expansion (DREE) for the purpose of creating stable employment opportunities in areas of Canada where employment and economic opportunities were chronically low. The program provided development incentives (usually grants) to manufacturers whose capital investment projects for establishing new facilities or expanding or modernizing existing facilities would create jobs and economic opportunities in areas designated as economically disadvantaged. Although the program was terminated in 1983, RDIP grants were provided through 1985.

Because benefits were limited to companies located within specific regions in Canada, we determine that grants provided through the RDIP program of DREE are countervailable. To calculate the benefits from this program, we took the amount of RDIP grants received by manufacturers, producers, or exporters of the subject merchandise in the review period and divided by the value of softwood lumber shipments during the review period. Using this methodology, we calculated an estimated net subsidy of 0.048 percent *ad valorem.*

4. Industrial and Regional Development Program (IRDP). IRDP was established in 1983 as the successor to RDIP and is administered by the Department of Regional and Industrial Expansion (DRIE). Its goal is to increase industrial development and improve the overall economy in Canada. To accomplish this, grants are provided for four major purposes: (1) To encourage the development of new products and new processes and to increase industrial productivity and competitiveness; (2) to assist in the establishment of new production facilities in less developed areas; (3) to increase industrial productivity through the improvement, modernization and expansion of existing manufacturing and processing operations; and (4) for marketing purposes.

Each of Canada's 260 census districts is classified into one of four tiers on the basis of the economic development of the region. The most economically disadvantaged five percent of the population are included in Tier IV; the districts with the next 15 percent of the population (in terms of economic disparity) are classified as Tier III; the districts with the next 30 percent of the population are classified as Tier II; and the districts with the remaining 50 percent of the population are classified as Tier I. The Yukon and Northwest Territories are always classified in Tier III.

Those districts classified as Tier IV are authorized to receive the highest share of assistance under IRDP (as a percentage of assistance per approved project); those in Tier I receive the lowest. Also, grants for the establishment of new facilities, and for modernization and expansion are no longer provided to companies located in census districts classified as Tier I.

Despite the Government of Canada's contention that the criteria for assignment to a tier may be neutral, the program nevertheless authorizes benefits to vary from tier-to-tier and, thus, from region-to-region. Therefore, we determine that this grant program provides regional subsidies and is countervailable.

Manufacturers, producers or exporters of the subject merchandise received IRDP grants during the review period. To determine the level of benefits under this program, we found the difference between the level of assistance provided to these companies with the average level of assistance provided to companies in Tier I during the review period. We divided the difference and divided by the value of softwood lumber shipments during the review period. Using this methodology, we calculated an estimated net subsidy of 0.145 percent *ad valorem.*

5. Community-Based Industrial Adjustment Program (CIAP). CIAP was established in 1981 and terminated in 1984. The program was one part of the Industrial and Labor Adjustment Program which was administered by the Department of Industry, Trade and Commerce. The objective of CIAP was to encourage businesses to undertake capital projects in certain designated communities affected by serious industrial dislocations. CIAP financial assistance took the form of grants covering up to 75 percent of the consulting costs associated with CIAP projects, or repayable contributions coverjng up to 50 percent of the capital costs and pre-production expenses of the projects. Terms and conditions for repayment were tailored to suit each applicant on a case-by-case basis.

Two producers of the subject merchandise had outstanding balances on repayable contributions during the review period. Because repayable contributions under this program are limited to companies in specific regions, we preliminarily determine that they are countervailable. To calculate the benefit, we treated repayable contributions as long-term interest-free loans. We used as our benchmark the long-term corporate bond rate in Canada. Adding the benefits and dividing by the value of softwood lumber shipments during the review period, we calculated an estimated net subsidy of 0.002 percent *ad valorem.*

C. Joint Federal-Provincial Programs

1. Agricultural and Rural Development Agreements (ARDAs). The Agricultural and Rural Development Act allowed the federal government to enter into agreements with the provincial governments to promote economic development and to alleviate coonditions of social and economic disadvantage in certain rural areas. The focus of these agreements was alternative land use, soil and water conservation, and economic development in rural development regions. Funding for projects in these areas was evenly split between the federal and provincial governments. These agreements were negotiated with all provinces in Canada, except Prince Edward Island, which signed its own Comprehensive Development Plan with the federal government in 1969. None of the General ARDAs signed with the provinces provide benefits to manufacturers, producers, or exporters of the subject merchandise during the review period.

As a supplement to the General ARDA program, Special ARDAs were signed and aimed at improving employment and income opportunities for people in rural areas. Of the Special ARDAs signed with the provinces and territories, those signed with Manitoba, the Northwest Territories, the Yukon, and British Columbia have provided grants to manufacturers, producers, or exporters of the subject merchandise during the review period.

Since the benefits of the Special ARDA program are limited to companies located in specific regions (i.e., rural areas), we preliminarily determine that Special ARDAs confer subsidies.

To calculate the benefits from this program, we took the amount of grants received by manufacturers, producers, or exporters of the subject merchandise in the review period and divided by the value of softwood lumber shipments during the review period. Using this methodology, we calculated an estimated net subsidy of 0.003 percent *ad valorem.*

2. General Development Agreements (GDAs). GDAs provided the legal basis for departments of the federal and provincial governments to cooperate in the establishment of economic development programs. The GDAs were umbrella agreements which stated general economic development goals. Ten-year GDAs were signed with all the provinces in 1976, except PEI, which had signed the Comprehensive Development Plan in 1969. Five-year GDAs were signed with the Yukon in 1977 and with the Northwest Territories in 1979.

Pursuant to GDAs, subsidiary agreements were negotiated by the federal and provincial government departments. These agreements established various programs, delineated administrative procedures and set out the relative funding commitments of the federal and provincial governments. Subsidiary agreements typically were directed at establishing traditional government programs, developing infrastructure, providing for economic development assistance for certain regions within the province, and creating programs for specific industries.

Of the GDA subsidiary agreements, only the Manitoba Northern Development Agreement provided countervailable benefits to manufacturers, producers, or exporters of the subject merchandise during the review period. This five-year agreement was signed November 29, 1982, and terminates March 31, 1987. The purpose of the Manitoba Northern Development Agreement is to support development of locally based income and employment opportunities in northern Manitoba by assisting organizations in identifying and creating new opportunties. During the review period, grants were provided to manufacturers, producers, or exporters of the subject merchandise under this Agreement.

Because the grants are limited to companies in specific regions, we preliminarily determine the program to be countervailable. To calculate the benefits from this program, we divided the amount of grants which manufacturers, producers, or exporters of the subject merchandise received in the review period by the value of softwood lumber shipments during the review period. Using this methodology, we calculated an estimated net subsidy of 0.002 percent *ad valorem.*

3. Economic and Regional Development Agreements (ERDAs). ERDAs are essentially a continuation of the GDAs. ERDAs were signed with every province (and two EDAs—Economic Development Agreements—with the territories) in the early 1980s. Similar to GDA subsidiary agreements, ERDA subsidiary agreements establish programs, delineate administrative procedures, and set up the relative funding commitments of the federal and provincial governments. Of the subsidiary agreements signed under ERDAs, only the Saskatchewan Northern Economic Development Subsidiary Agreement provided countervailable benefits to manufacturers, producers, or exporters of the subject merchandise during the review period.

Under the Saskatchewan Northern Economic Development Subsidiary Agreement, which was signed in 1984, the Governments of Canada and Saskatchewan provided funds for developing opportunities in northern Saskatchewan. Projects within the following four programs were eligible for funding: Economic Development, Human Resource Development, Capital Investment, and Management and Coordination. Grants were provided to two producers of the subject merchandise during the review period. Since grants provided under this subsidiary agreement are limited to companies located in a specific region of the province, we preliminarily determine that they are countervailable.

To calculate the benefits from this program, we divided the amount of grants which manufacturers, producers, or exporters of the subject merchandise received in the review period and divided by the value of softwood lumber shipments during the review period. Using this methodology, we calculated an estimated net subsidy of 0.001 percent *ad valorem.*

4. Sawmill Improvement Program (SIP). The SIP is conducted by Forintek Canada Corporation (Forintek) and is funded by federal and provincial grants. Forintek, a private, non-profit entity incorporated in 1979 under the Canada Corporation Act, is Canada's "Wood Products Research Institute." Its member companies account for about 75 percent of Canada's lumber production. Forintek receives its operating funds from membership fees and from contracts and contributions from the federal and provincial governments. For more information on Forintek, see Forintek Research and Development under section "Programs Determined Not To Confer Subsidies."

Under SIP, Forintek conducts studies of the operations of sawmills. The objectives of SIP include evaluating and providing recommendations on improving conversion efficiency; providing a detailed evaluation of sawing, edging, trimming and lumber seasoning practices; conducting a cost benefit analysis of mill operations when changes in mill design, equipment, or alternative product-mix are recommended; conducting a global economic analysis to determine the sensitivity of mill profit to lumber price, log processing rate, log cost, lumber recovery and total conversion cost parameters, and to demonstrate to mill management how to improve resource utilization. The results of individual studies are confidential, but a summary of the findings is made available to other mill owners.

Because the results of the individual SIP studies are confidential, we preliminarily determine that government grants provided to Forintek to conduct studies under SIP are limited to an enterprise or industry, or group of enterprises or industries, and thus countervailable. To calculate the benefits from this program, we divided the amount of grants provided for the SIP studies to manufacturers, producers, or exporters of the subject merchandise in the review period by the value of softwood lumber shipments during the review period. Using this methodology, we calculated an estimated net subsidy of 0.002 percent *ad valorem.*

D. Provincial Programs

1. British Columbia: Critical Industries Act (CIA). The CIA, in effect since June 28, 1985, and scheduled to be repealed as of June 28, 1987, is administered by a commissioner through the Critical Industries Commission (the Commission) to provide a means of aiding business enterprises facing financial difficulty. On behalf of particular companies which are bankrupt or threatened with bankruptcy and which are in designated industries, the commissioner may recommend to the provincial government that certain "imposts," such as rates, charges, tariffs, and taxes assessed, be redetermined under an "Economic Plan." The response states that the provincial government may designate an industry as a "critical industry" based on

economic conditions and the importance of the industry to the province.

No funds are provided to companies by the Commission under the CIA. However, during the review period, seven companies, four of which produce the subject merchandise, received various benefits under Economic Plans drafted pursuant to the CIA. The benefits to these four companies consisted of property tax reduction, forgiveness of back property taxes, a grant to cover logging road and bridge rebuilding expenses, waiver of scaling fees and expenses, and subordination of a statutory claim on timber assets by the Ministry of Forests.

Because benefits under the CIA are limited to firms in certain "critical" industries chosen at the provincial government's discretion, and the provincial government has not provided any objective criteria on the designation process of a "critical" industry, we preliminarily determine that benefits under the program are limited to a specific enterprise or industry, or group of enterprises or industries, and thus countervailable. To calculate the benefits, we added the amount of tax reductions and forgiveness and the grant provided during the review period and divided by the value of softwood lumber shipments during the review period. Using this methodology, we calculated an estimated net subsidy of 0.006 percent *ad valorem.*

2. British Columbia: Low Interest Loan Assistance (LILA). When the joint Canada-British Columbia Industrial Development Subsidiary Agreement (IDSA) was signed in 1977, a program was established to provide loans at low interest rates. The authorization of LILA was by administrative action after the IDSA was signed. In 1986, the Low Interest Loan Assistance Revolving Fund Act was enacted to provide a statutory basis for the LILA program. Funding for LILA loans is provided by the province. The British Columbia Development Corporation (BCDC) acts as trustee for the province in administering the LILA program. From February 1978 to April 1979 the program's eligibility criteria were determined by the IDSA, and participation was limited to areas outside the Lower Mainland and Southern Vancouver Island region. In April 1979, the province changed the program criteria and LILA was made available to all regions of the province.

LILA loans are used for capital improvements, for plant expansions or modernization, or for the establishment of production facilities which will create new economic activity and benefits. The loan rate, established twice a year, is equal to one-half the BCDC prime commercial rate.

Two loans were given to manufacturers, producers, or exporters of the subject merchandise during the period from February 1978 to April 1979 when eligibility was limited to companies located outside the Lower Mainland and Southern Vancouver Island regions. LILA loans given during that period are countervailable because their availability was limited to companies located in specific regions, and because they were provided on terms inconsistent with commercial considerations. The terms for the two loans given during the period February 1978 to April 1979 matched the economic life of the fixed assets purchased.

The interest rates on LILA loans are revised every six months. Since these are variable interest rate loans, we are using our short-term loan methodology as specifed in the "Subsidies Appendix" to calculate a benefit on these loans. Because the response did not provide the requested loan information, we are calculating the amount of interest paid on the loans as if the original principal amounts were outstanding during our period of review. To calculate the benefit, we took the difference between the amount of interest paid on the loans and the amount of interest the companies would have paid using our benchmark. Since we are calculating the loans as short-term loans, we used the 90-day prime corporate paper rate as our benchmark. We then divided the interest savings by the value of softwood lumber shipments and calculated an estimated net subsidy of less than 0.001 percent *ad valorem.*

2. Quebec: Tax Abatement Program (TAP). The Government of Quebec operates TAP in accordance with Chapter S–34 of the Act Respecting Fiscal Incentives to Industrial Development. This program, established on April 1, 1977, was available to those manufacturing businesses not engaged in initial processing operations in a resource-based industry that were willing to make capital investments in one of two regional zones. These two zones embraced all of the province of Quebec except Montreal. It provided certificates allowing a firm to deduct from taxes payable 25 percent of the value of allowable capital investments, up to a maximum of 50 percent of the year's income taxes due, but not in excess of $500,000 during the existence of the program. This program was terminated in March 1981. However, firms participating in the program while it was in effect had the option to claim their earned tax credit during the five years following the issuance of the certificates.

Since benefits under the TAP were limited to manufacturing businesses located in specific regions, we determine that tax benefits provided under this program are countervailable. To calculate the benefit, we divided the total amount of tax credits which manufacturers, producers, or exporters of the subject merchandise claimed during the review period by the value of softwood lumber shipments during the review period. We calculated an estimated net subsidy of 0.001 percent *ad valorem.*

3. Quebec: Export Promotion Assistance (APEX). APEX was created in 1972 by the Ministry of Industry, Commerce and Tourism to encourage Quebec companies to develop markets and to enter into technological exchanges outside the province. In 1983, the administration was transferred to the newly created Ministry of External Trade. In April 1985, APEX underwent a restructuring and was split into two programs, APEX-Prospection and APEX-Marketing. APEX-Prospection provides grants to companies to facilitate the initial phases of exporting outside Quebec. Assistance includes grants for participation in trade fairs, identifying new markets and for negotiation of industrial agreements to expedite technology transfer. APEX-Marketing is designed to enable firms which have identified a promising export market to analyze that market and to develop and implement a marketing strategy. The program is broken down into two phases. Phase I provides a maximum of $5,000 for analysis and development and Phase II covers implementation up to a maximum of $45.000.

Because assistance was provided to promote exports of the subject merchandise to the United States, we preliminarily determine that this program provides a countervailable export subsidy. To calculate the benefit bestowed on the subject merchandise exported to the United States, we divided the total assistance provided to manufacturers, producers, or exporters of the subject merchandise on sales to the United States during the review period by the value of softwood lumber shipments to the United States during the review period. Using this methodology, we calculated an estimated net subsidy of less than 0.001 percent *ad valorem.*

4. Quebec: Assistance to and by The Forest Salvage, Management and Development Corporation of Quebec (REXFOR). REXFOR was incorporated in 1973 under Quebec's REXFOR Act as

a provincial Crown corporation. Under the joint trusteeship of the Ministry of Finance and the Ministry of Energy and Resources of Quebec, its entire stock is allotted to the former, which approves REXFOR's operating and investment budgets.

REXFOR was created to manage specific provincially-owned forest lands, to preserve and protect provincial forest lands through silviculture, and to encourage the development of the "forest industry" in Quebec. REXFOR owns sawmills and pulp and paper mills, and produces the subject merchandise as well as a wide variety of products not under investigation. In carrying out these activities, REXFOR receives funds from both the Canadian and Quebec governments, and is also an active investor and provider of funds to the "forest products industry" in Quebec.

During the review period, the Government of Quebec (GOQ) made several equity installments totaling $12.5 million in REXFOR under section 7 of the REXFOR Act. This section provides that the proceeds of such equity purchases may be specifically directed by the GOQ to be used for loans or equity purchases in third companies which may or may not be REXFOR affiliates, some of which produce the subject merchandise. Under this section, the GOQ directed that its $12.5 million section 7 equity be given to a REXFOR subsidiary (BEQ) for the purchase and reorganization of six sawmills. Consequently, REXFOR provided BEQ with a series of loans totaling $12.5 million beginning in September 1984. A portion of the loans was repaid by BEQ to REXFOR on April 25, 1985. The remainder was rolled into a BEQ debenture carrying an interest rate of 12 percent (Charter Bank prime rate on the date the debenture was issued) on March 31, 1986. It appears from the response that the loans made by REXFOR to BEQ were interest-free until the debenture was issued. We, therefore, preliminarily determine that BEQ's use of these funds during the review period is countervailable since they were provided to a specific enterprise on terms inconsistent with commercial considerations. Since these interest-free loans were rolled over into the debenture with an interest rate of 12 percent (*i.e.*, the rate varied), we are calculating a benefit from the loans during the review period using our short-term loan methodology. To calculate the benefit, we determined what BEQ would have paid in interest on the REXFOR loans, using as our benchmark the 90-day corporate paper rate in Canada. We divided that amount of interest savings by the value of softwood lumber shipments during the period of review and calculated an estimated net subsidy of 0.011 percent *ad valorem*.

In addition to the REXFOR loans, BEQ received large "special payments" during the review period from the GOQ for purposes of carrying out the project involving the six sawmills. According to the response, BEQ was obligated to pay interest on a portion of the payments. The interest totaled less than one percent of the payments. The response does not indicate that BEQ is required to repay any of the principal or any more interest; nor does it state that the GOQ received any equity interest in return for the payments. We therefore subtracted BEQ's interest payment from the GOQ allocations and treated the remainder as grants. We preliminarily determine that the grants are countervailable because they were limited to a specific enterprise. To calculate the benefit, we divided the amount of grants received in the review period by the value of softwood lumber shipments during the review period. Using this methodology, we calculated an estimated net subsidy of 0.173 percent *ad valorem*.

5. Quebec: Industrial Development Corporation (SDI) Export Expansion Program. The SDI is a crown corporation which acts as an investment corporation and administers development programs on behalf of the GOQ. Established in 1971 by the Quebec Industrial Development Act, the program has been amended several times, including a reorganization in 1983 under an Act Respecting the Industrial Development Corporation of Quebec. Funding for SDI is obtained through the National Assembly, participation in financial markets through the sale of notes, bonds and other securities, and by an endowment established by the GOQ at the time of SDI's formation. Funding may also be provided through certain programs within SDI which are designed to provide profits for the corporation.

SDI's current program authority falls into three general categories. These are: (1) Financing Assistance; (2) Development Assistance; and (3) Export Programs. The first two categories, Financing and Development Assistance, are described later in the "Programs Preliminarily Determined Not to Confer Subsidies" section of this notice. Certain programs under the third category, Export Programs, are discussed later in "Programs Preliminarily Determined Not to be Used."

Under the Export Expansion Program, companies were offered interest cost reimbursements if they were able to demonstrate significant growth in export sales. Reimbursements could equal two percent of export sales, to a maximum of $250,000 if export sales expanded by 25 percent or more, judged against sales in the year of initial application. Payments were reduced to one percent for a 20 percent increase, with no payments made for an increase of less than 20 percent in export sales. Although this program terminated in 1981, interest reimbursements were provided on the basis of significant improvement in the competitive position of the company over a five-year period. Therefore manufacturers, producers, or exporters of the subject merchandise were eligible for interest cost reimbursements during the review period.

Since receipt of benefits under this program is tied to export performance, we preliminarily determine this program to be countervailable. To calculate the benefit, we took the total amount of interest cost reimbursements provided to manufacturers, producers, or exporters of the subject merchandise on sales to the United States during the review period and expensed them in the year of receipt. Dividing the amount by the value of softwood lumber shipments to the United States during the review period, we calculated an estimated net subsidy of 0.012 percent *ad valorem*.

6. Quebec: Lumber Industry Consolidation and Expansion Program (LICEP). In 1983, the Ministry of Energy and Resources initiated a five-year program aimed at improving productivity in wood processing facilities. The program provides engineering and management expertise to companies, giving them the technical capability to improve productivity, modernize equipment, improve operational efficiency, consolidate and expand. The LICEP comprises three sectors: engineering studies, specialized personnel and computerized management.

Under the engineering studies aspect of the program, the Ministry retained two industrial research institutes and a consultant to conduct productivity analyses on a company-by-company basis. The cost of the studies is divided between the Ministry and the company, with the Ministry's maximum contribution determined on a sliding scale ranging from 60 to 95 percent based on the size of the facility.

The subprogram for specialized personnel provides firms with financial assistance to employ experts specialized in production management or engineering. The Ministry pays one-half the salary of one expert for a period of

two years, subject to a maximum payment of $25,000 per year.

Under the computerized management subprogram, companies are provided with grant assistance to evaluate and purchase data processing equipment and electronic measuring and recording devices. The Ministry reimburses eligible firms for 25 percent of the cost of feasibility studies for computer systems and the cost of purchasing and installing software, computers, and peripherals equipment, subject to a maximum of $25.000. Payment is made directly to the mill when the project is completed.

Because the response did not provide the information requested on the types of industries using this program, and the fact that sawmills are given priority under the engineering studies aspect of the program, we preliminarily determine that the Lumber Industry Consolidation and Expansion Program is limited to a specific enterprise or industry, or group of enterprises or industries. To calculate the benefit, we divided the total amount of grants provided under this program to manufacturers, producers or exporters of the subject merchandise during the review period by the value of softwood lumber shipments and calculated an estimated net subsidy of 0.007 percent *ad valorem.*

II. Programs Preliminarily Determined Not to Confer Subsidies

A. Joint Federal—Provincial Programs

1. Forestry Development Agreement for Improvement of Crown Land. Under ARDAs, ERDAs and GDAs, development and subsidiary agreements have been signed between the federal and provincial governments to develop forest land held by Crown and by private industrial and non-industrial owners.

ARDAs have been signed by the federal government and the provinces of Alberta, Manitoba and Saskatchewan implementing reforestation programs in those provinces designed to reforest cut-over, burned-over, and otherwise denuded areas of provincial forest. Subsidiary agreements under ERDAs have been implemented in Alberta, British Columbia, Quebec, Manitoba, Newfoundland, and Saskatchewan to provide for funding of a variety of long-term forest management, silviculture, reforestation, research and development, and administrative activities undertaken on federal and provincial Crown forest land and to private non-industrial and industrial forest land. Subsidiary agreements under GDAs in Saskatchewan, New Brunswick and Nova Scotia have been implemented to improve overall management and administration of federal and provincial Crown timber. Services provided under the subsidiary agreements are similiar to those provided under ERDAs.

According to provincial responses, none of the provisions under the forestry agreements relieve timber licensees of any obligation. The responses also state that research projects funded under these agreements are undertaken on Crown land and the results of such projects are made available to the public. Since research funded under this agreement is undertaken on Crown land and any results thereof are made available to the public, we preliminarily determine such funding to be not countervailable.

Since the benefits, except funding for research and development, provided under these agreements accrue to the owner of the land and the owner of the land, is not a producer of the subject merchandise, we preliminarily determine that these benefits are not countervailable. Some grants were provided to private woodlot owners to promote effective management of their forest resources and to support various silivicultural activities. Certain of these woodlot owners were manufacturers, producers, or exporters of the subject merchandise during the review period.

In *Softwood Products,* we determined that such grants did not confer countervailable benefits because they were available to all private landowners and were not limited to a specific enterprise or industry, or group of enterprises or industries. During verification, we will closely examine whether there is *de facto* limitation in the provision of grants under this program.

2. Newfoundland Rural Development Agreement. The Newfoundland Rural Development Agreement was a subsidiary agreement signed under the GDA. The purpose of this Development Agreement was to expand the small industrial sector in rural areas. Under the Small Business Incentives Programs, created under this Development Agreement, assistance was available for the establishment, expansion, or modernization of manufacturing or processing companies; for industries using primary resources; and for the service activities which primarily support manufacturing and processing operations. Grants were provided to sawmills in the province during the review period.

According to the response, a company meeting the above criteria could receive grants under the program regardless of its location in the province. Since the program is not limited to a specific enterprise or industry, or group of enterprises or industries, or to companies located in specific regions, we preliminarily determine this program to be not countervailable.

3. Rail Transportation Facilities for the Lumber Industry. The petitioner alleged that the federal and provincial Governments of Canada have spent large sums of money to provide facilities for transportation by rail for the lumber industry in British Columbia and to support this allegation provided specific information on the Fort Nelson Extension in that province. Petitioner stated that similar assistance may have been provided to the lumber industry in Alberta, Ontario, and Quebec as well.

In Canada there are both federal and provincial rail lines. Railroad companies operating lines and services across the Canada-U.S. border fall under federal jurisdiction. Railroad companies whose lines are contained within a province would fall under provincial jurisdiction, unless such lines were declared by an Act of Parliament of Canada to be in the national interest, or if any such intra-provincial railroad companies were not incorporated under a special act of a provincial government.

There are two major national railroad lines: Canadian National (CN) and Canadian Pacific (CP). CP is a private company, while CN is a Crown corporation. With respect to CN, the government approves financial plans appoints its Board of Directors, and receives dividends from its operations. According to the response of the Canadian government, it does not interfere with the normal independent operations of CN except through federal laws and regulations which apply equally to Crown and private corporations. The response also states that the federal government has not been involved in the decision to build railroad lines, and that the federal government also has not built railroad lines at the request of private companies.

In Quebec, the Ministry of Transport is responsible for all transportation under provincial jurisdiction. According to the response of the Province of Quebec, no railroad lines have been built by or on behalf of the government at the request of lumber or sawmill companies. The province also states that no lines have been built by that government to lumber producing or timber-harvesting regions and that there has been no financial involvement by the Government of Quebec in the construction of railroad lines.

The Ontario Northland Transportation Commission (ONTC), a provincial

Crown corporation incorporated in 1902, is responsible for railroad lines built by the Ontario Northland Railroad (ONR). The ONR was constructed in the early 1900's to open up Ontario's frontier. According to the response, there is no other provincial agency responsible for building and maintaining railroad lines in Ontario. The ONR built rail lines to handle traffic from Ontario mining communities which were not being served by the transcontinental railroads and other railroads in the province. The ONR hauls small amounts of softwood lumber. In 1985, softwood lumber represented 1.2 percent of total car loadings. The provincial response states that railroad lines have not been built at the request of lumber or sawmill companies and that before any line or spur is built it must be first determined that rail shipments generated by a user or potential user over a specified period of time will justify the capital cost.

According to the response of the Province of Alberta, no agency of the provincial government is responsible for the building or operation of railroad lines in the province. The province did provide funds to CN for the construction of the Alberta Resources Railway. Construction of the line was undertaken by CN for the province and was completed in 1970. Construction was paid for by the province and the line was built to provide access to coal deposits. At the completion of the Alberta Resources Railway, the line was leased to CN by the provincial government under a 20 year agreement. The province states that the line was not built at the request of any lumber or sawmill companies.

Based on the information contained in the responses, we preliminarily determine that the rail services described above are not limited to a specific enterprise or industry, or group of enterprises or industries, or specific regions, and are therefore not countervailable. For the Fort Nelson Extension in British Columbia, see the section of the notice entitled "Programs for Which Additional Information is Needed."

4. Newfoundland Rural Development Subsidiary Agreement. Under the authority of the ERDAs, the Governments of Canada and Newfoundland instituted the Canada/Newfoundland Rural Development II Subsidiary Agreement in 1984. This agreement provided assistance through Business and Economic Development Funds for the establishment, expansion, modernization, and servicing related to manufacturing operations. Assistance was intended to cover up to 50 percent of the authorized capital cost of projects up to $25,000. Grants were provided under this program to manufacturers, producers, or exporters of the subject merchandise during the review period.

According to the responses of Newfoundland and Canada, a wide and diverse range of industries in all regions of the province benefited from assistance under this program. Therefore, we preliminarily determine that benefits conferred by this program are not provided to a specific enterprise or industry, group of enterprises or industries, or to companies located in specific regions and, therefore, are not countervailable.

5. Forintek Research and Development. As stated earlier in this notice, Forintek is a private, non-profit entity without share capital, incorporated in 1979 under the Canada Corporation Act. The purpose and function of Forintek is (a) to carry on research and development for wood-using industries for the governments in Canada; (b) to develop innovative products and processes to improve utilization of forest resources; (c) to develop internationally accepted codes and standards for forest products; (d) to provide technical services and information to governments and industry in Canada; and (e) to provide research and consulting services under contract to sponsors in industry and government in Canada and abroad. Revenue to support Forintek operations came from federal monies including direct contributions and contracts for specific studies; provincial monies including grants, direct contributions and contracts for individual studies; and industry monies including membership dues, contracts for proprietary studies and contributions.

Besides the Sawmill Improvement Program which we found to be countervailable (see the "Programs Preliminarily Determined to be Subsidies" section of this notice), Forintek also engages in other activities. Forintek undertakes research and development projects in such areas as saw technology, resource utilization, adhesives, seasoning, and tree-growth and protection which are made available to the public by such means as publication in research and trade journals, inter-library exchanges and in international symposia. Some projects which are strictly independent contract work and proprietary in nature are not made available to the public. However, the research and development projects undertaken by Forintek with government funds which are made publicly available and benefit more than a specific enterprise or industry, or group of enterprises or industries, are preliminarily determined to be not countervailable.

B. Provincial Programs

1. Quebec: Industrial Development Corporation Financing and Development Assistance Programs. Under the various financing programs of the SDI, companies in the manufacturing, tourism, research and certain service industries are eligible for certain benefits, including market rate loans, loan guarantees, equity participation and protection against interest cost increases. According to the response, manufacturers, producers, or exporters of the subject merchandise participated in two of these programs during the review period.

Under the Financing Program for Manufacturing Business, manufacturers, producers, or exporters of the subject merchandise received loans having terms of between eight and fifteen years, with interest rates based on a composite rate of the ten major lenders in Canada. Under the Business Financing Program (also known as the "Biron II Plan"), which expired in March 1986, manufacturers, producers, or exporters of the subject merchandise received loan guarantees and protection against interest increases. Manufacturing, tourism and service industries in Quebec, regardless of geographic location, were eligibile to participate in both programs.

Of the various development assistance programs of the SDI, manufacturers, producers, or exporters of the subject merchandise participated in the following four programs during the review period: (a) Assistance Program for Advanced Technology Enterprises; (b) Assistance Program for Dynamic Enterprises; (c) Assistance Program for Mergers and Acquisitions (terminated in 1982); and (d) Small Business Emergency Assistance Program (terminated in 1984). These programs provided benefits which included interest assumption payments, equity participation, loan guarantees and interest free loans. Manufacturing, tourism and service industries in Quebec, regardless of geographic location, were eligibile to participate in both programs.

Because benefits under the above cited programs were not limited to a specific enterprise or industry, or group of enterprises or industries, we preliminarily determine that these programs are not countervailable.

2. British Columbia: Forest Stand Management Program (FSMP). This

program became effective June 17, 1986. It provides individuals receiving income assistance (*i.e.*, welfare) with forestry work and training such as spacing, brushing and weeding, and trail clearing. The work done under this program, according to the response, does not relieve timber licensees of any obligations or responsibilities, nor does it provide benefits to manufacturers, producers, or exporters of the subject merchandise. As such, we preliminarily determine that FSMP confers no countervailable benefit to the manufacturers, producers, or exporters of the subject merchandise.

3. British Columbia: Small Business Venture Capital Program (SBVCP). The SBVCP encourages investment in equity capital of certain small businesses in British Columbia by providing investment incentives to investors in "venture capital corporations" (VCCs). The Small Business Venture Capital Act (SBVCA), in effect since September 1985, limits eligible small businesses under the program to those engaged in prescribed research and development, prescribed tourism, or prescribed aquaculture. The SBVCA "prescriptions" for these categories do not limit the eligible small business to only certain industries or regions or to export-oriented companies. Moreover, the response of British Columbia indicates that, as of March 31, 1986, only one of the eight VCC investments made in eligible small businesses involved in the production of the subject merchandise. We therefore preliminarily determine that benefits provided under this program are not limited to a specific enterprise or industry, or group of enterprises or industries, and hence not countervailable.

4. Alberta: Research Projects for Forest Industry. Petitioner alleged that the Alberta government funds research projects specifically to benefit the forest industry. According to the response, the results of such research are available to all interested parties both within and outside Alberta. We thus preliminarily determine that these alleged projects are not countervailable.

III. Programs Preliminarily Determined Not To Be Used

We preliminarily determine that manufacturers, producers, or exporters of the subject merchandise did not use the following programs during the review period:

A. Federal Programs

1. Special Areas Act. The Special Areas Act (SAA) was part of the Government Organization Act of 1983 and came into force with the organization of the Department of Regional Industrial Expansion (DRIE) in late 1983. DRIE has responsibility for administering this program, which is still in effect.

The SAA is designed to provide assistance to manufacturing activities in areas designated for reason of exceptional inadequacy of employment opportunities and weak economic environment. According to the response, no Special Areas have been designated under the SAA, and no funds have been disbursed under the provisions of the SAA.

2. Forest Industry Renewable Energy Program. The Forest Industry Renewable Energy (FIRE) program is administered by the federal Department of Energy, Mines and Resources. The purpose of the program, which began in 1979, is to encourage the substitution of biomass energy sources for fossil fuels by companies that would otherwise have no economic incentive to do so. FIRE assistance is given in the form of grants that are tied to the purchase of capital equipment (facilities for burning biomass in place of fossil fuels).

In *Softwood Products*, only FIRE grants provided prior to April 1, 1981, were determined to be countervailable. Since we are expensing all grants in the year of receipt, we preliminarily determine that countervailable benefits were not provided under this program to the manufacturers, producers, or exporters of the subject merchandise during the review period.

B. Joint Federal Provincial Programs

1. Prince Edward Island (PEI) Comprehensive Development Plan. The PEI Comprehensive Development Plan (the Plan) was negotiated in 1969 by the federal and provincial governments. The Plan operated until 1984. The federal statutory authority for the Plan was the Fund for Rural Economic Development. The Plan provided for joint federal-provincial government cooperation on devising and implementing economic development programs. The programs instituted under the Plan affected fisheries, agriculture, tourism, forestry, industrial development, land use, educational facilities, and transportation.

Benefits under this program were not provided to manufacturers, producers, or exporters of the subject merchandise during the review period. Therefore, we preliminarily determine this program not to be used.

C. Provincial Programs

1. British Columbia: Preferential Rail Rates. According to the response of the provincial government of British Columbia, manufacturers, producers, or exporters of the subject merchandise have not negotiated freight rate concessions with the provincial government.

2. British Columbia: Market Development Assistance (MDA). The MDA program is intended to generate an expansion in the export of British Columbian manufactured and processed goods by assisting companies to assess potential export market opportunities, to establish appropriate marketing arrangements in markets outside British Columbia (including the rest of Canada), and make required follow-up calls on new accounts or representatives. This program is designed to benefit manufacturers of new, innovative products who are attempting to develop new export markets. Only three manufacturers, producers, or exporters of the subject merchandise have received support under this program, and all were assessing markets other than the United States. Therefore, we preliminarily determine that this program was not used.

3. Quebec: Industrial Development Corporation Program to Promote the Export of Products and Services. This program, implemented in December 1982, comprises three separate divisions to expand SDI's export promotion efforts. Under the Financing of Exports Program, benefits are provided in the form of market rate loans or loan guarantees. Under the Consortium Program, assistance is provided through SDI venture capital to stimulate businesses to group together in a consortium to promote and sell outside of Quebec goods or services manufactured in Quebec. Lastly, under the New Market Establishment Program, companies attempting to establish new markets outside Quebec are eligible for market rate loans, assumption of interest costs and/or partial forgiveness of loans. According to the response, no manufacturers, producers, or exporters of the subject merchandise received benefits under these programs as of March 31, 1986.

4. Quebec: Laws Concerning Forest Credit. Established in 1975 under the Law on Forest Credit and restructured under the Act to Promote Forest Credit by Private Institutions in 1984, this program provides loans and interest cost reimbursements to persons and/or associations in Quebec who own or lease forest land in Quebec and intend to engage in harvesting operations. Assistance under the program is not available to applicants who process wood, or hold a majority interest in a plant that processes wood other than on

a small scale, *i.e.*, less than 1,500 solid cubic meters of timber annually.

According to the response no manufacturers, producers, or exporters of the subject merchandise have received benefits under either type of assistance described above.

5. Quebec: Reimbursement of Real Estate Taxes. This program, which began on January 22, 1986, is available to all persons holding a valid timber producers certificate in Quebec. Administered by the Quebec Ministry of Energy and Resources and the Quebec Ministry of Revenue, the program allows eligible recipients to receive a reimbursement of up to 85 percent of real estate taxes paid on production assets, with reimbursement given as a credit against provincial income taxes. A timber producer has two years in which to claim the refund.

According to the response, no benefits were claimed under this program by manufacturers, producers, or exporters of the subject merchandise on tax returns filed during the review period.

6. British Columbia: Income Tax Holidays. Petitioner alleged that the B.C. government provided a five year provincial income tax holiday to a producer of waferboard. Petitioner thus requested that we investigate the possibility that manufacturers, producers, or exporters of the subject merchandise in British Columbia received similar tax holidays. According to the response, no manufacturer, producer, or exporter of subject merchandise has been granted tax holidays under British Columbia's only tax relief act, the Special Enterprise Zone and Tax Relief Act.

7. British Columbia: Development Corporation Industrial Parks. Petitioner alleged that the B.C. Development Corporation has established industrial parks in certain communities to promote the exportation of forest products. According to the response, eligibility for firms to locate in an industrial park is not contingent on export orientation nor is it limited to certain industries. Moreover, the response indicates that no benefits are conferred on companies simply for locating in the industrial parks, and that no manufacturers, producers, or exporters of the subject merchandise have used industrial park services.

8. Alberta: Timber Salvage Program. This program provided incentives to timber harvesters to cut fire- and insect-damaged timber. The program ended in 1983 and no grants were provided.

IV. Programs for Which Additional Information is Needed

1. Fort Nelson Extension In British Columbia. In 1918, the provincial government took over the assets of the Pacific Great Eastern Railway and created the British Columbia Railway Company (BC Rail) which now operates as a Crown Corporation. In 1984, BC Rail was reorganized and its railroad operating assets were established as a taxable corporation with the provincial government owning 100 percent of the common shares of the railway. In 1971, the Fort Nelson Extension became operational after a construction period of three years. The cost of constructing the extension was $47 million and was funded by BC Rail through borrowing guaranteed by the provincial government. The Fort Nelson Extension is 250 miles long and runs from Fort St. John to Fort Nelson.

The response states that BC Rail, like private rail carriers in the province, evaluates proposals to build new lines on a commercial basis, and makes decisions to proceed with new construction on the basis of expected traffic, returns, and risks. Since all regions of the province are timber-harvesting or lumber-producing regions, revenues from forest producers, including lumber revenues, are a consideration in the commercial assessment carried out by the railways for any extension to their systems.

Submitted with the petition was a copy from the 1978 *Royal Commission Report on the BC Railway* which became the basis for the initiation of this allegation. The Commission Report stated that the operation of the Fort Nelson Extension would result in further capital cost and operating losses of over $90 million in the next five years with continuing losses thereafter. The Commission Report also stated that the only significant shippers using the line were two sawmills.

At the time of the Commission Report, it appeared that two sawmills were the major users of the railway service. According to the response there is only one forest products company currently using the extension. The response also states that logs are shipped by another company for only a short distance on the southern portion of the extension. According to the breakdown of products transported on the extension (which we have from 1976–1985), those two companies accounted for 72.7 percent of carloading in 1983, 74.0 percent in 1984 and 74.4 percent in 1985. According to information in the response, sulfur, oil and petroleum have also been shipped on the Extension.

Submitted with the response of the Province of British Columbia were the annual reports for 1983/84 and 1984/85 for the Ministry of Transportation and Highways. These are the last two annual reports available from the Ministry. In 1983, the Ministry provided $4,500,000 for support of the operation of the Fort Nelson Extension and, in 1984, the Ministry provided BC Rail with grants totalling $3,300,000 for operation of the Fort Nelson Extension. According to the annual reports, the funds provided to BC Rail by the Ministry were to compensate the railway for the operating loss for government-mandated services.

After reviewing the information on the record on the Fort Nelson Extension, we have determined that we need additional information from the Government of the Province of British Columbia and from BC Rail. On October 6, 1986, we presented a supplemental questionnaire to the Embassy of Canada requesting this information.

We note that this decision is different from our decision to use best information available in our determination of the countervailability of stumpage rather than seeking additional information. For stumpage we solicited from the Canadian governments and the lumber industry all the information necessary for us to make a determination on whether stumpage was countervailable. It was their inability to answer adequately the questions in our original and supplemental questionnaires that necessitated our use of best information available.

V. Program Preliminarily Determined Not To Exist

1. Quebec: Office of Planning and Development (QOPD) Exports Assistance Program. In the August 11, 1986, submission by petitioner alleging certain additional programs which may provide benefits to manufacturers, producers, or exporters of the subject merchandise, the QOPD Exports Assistance Program was cited as possibly providing certain types of export assistance to the manufacturing sector. According to the response, the QOPD does not administer an Exports Assistance Program, nor has the QOPD provided export assistance to manufacturers, producers, or exporters of the subject merchandise. Therefore, we preliminarily determine that this program does not exist.

Suspension of Liquidation

In accordance with section 703(d) of the Act, we are directing the U.S.

Customs Service to suspend liquidation of all entries of the subject merchandise from Canada which are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register** and to require a cash deposit or bond equal to 15.00 percent *ad valorem* for each entry of this merchandise. The following companies are excluded from the suspension of liquidation:

- J.D. Irving, Inc.
- Primex Forest Products, Ltd.
- Herb Shaw and Sons, Ltd.
- Bois Daaquam Inc/Daaquam Lumber, Ltd.
- J. A. Fontaine et Fils, Inc.
- Les Industries Grondin, Ltee.
- Precibois, Inc.
- Rene Bernard, Inc.
- Conrad Poulin et Fils, Ltee.
- Dead River, Ltd.
- Fraser, Inc.
- Francois Giguere, Inc.
- Devon Lumber Co., Ltd.
- Allwood Industries, Ltd.
- Harold's Lumber Manufacturing, Ltd.
- Delta Cedar Products, Ltd.
- Fawcett Lumber Co.
- Kaloka Forest Products
- Namu Forest Products, Ltd.
- Phoenix Millwork, Ltd.

Verification

In accordance with section 776(a) of the Act, we will verify the information used in making our final determination.

ITC Notification

In accordance with section 703(f) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all nonprivileged and nonproprietary information relating to this investigation. We will allow the ITC access to all privileged and proprietary information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without written consent of the Deputy Assistant Secretary for Import Administration.

If our final determination is affirmative, the ITC will determine whether these imports materially injure, or threaten material injury to, a U.S. industry within 45 days after the Department makes its final determination.

Public Comment

In accordance with section 355.35 of the Commerce Regulations (19 CFR 355.35) we will hold a public hearing, if requested, to afford interested parties an opportunity to comment on this preliminary determination, at 1:30 p.m. on December 1, 1986, at the U.S. Department of Commerce, Room 6802, 14th Street and Constitution Avenue NW., Washington, DC 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary, Import Administration, Room B-099, at the above address within ten days of the publication of this notice in the **Federal Register.**

Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, at least ten copies of the proprietary version and seven copies of the nonproprietary version of the pre-hearing briefs must be submitted to the Deputy Assistant Secretary by November 24, 1986. Oral presentations will be limited to issues raised in the briefs. In accordance with 19 CFR 355.33(d) and 19 CFR 355.34, all written views will be considered if received not less than 30 days before the final determination is due, or, if a hearing is held, within ten days after the hearing transcript is available.

This determination is published pursuant to section 703(f) of the Act [19 USC 1671b(f)].

Gilbert B. Kaplan,

Deputy Assistant Secretary for Import Administration.

October 16, 1986.

Appendix A—Provincial Stumpage Programs

Alberta

1. Forest Management Agreement (FMA)

FMAs are 20-year, renewable agreements which grant the holder the right to manage, on a sustained-yield basis, the timber within the Agreement area. The holder selects areas to be harvested in accordance with a management plan which the Forest Service must approve. The holder is also required to develop "major timber processing facilities," such as pulp mills, sawmills and plywood mills. In 1985–86, there were six FMAs in effect, accounting for 29 percent of the total provincial harvest.

The province considers several factors when evaluating proposals for Forest Management Agreements, including the level of capital investment, potential for employment, protection of the environment, and capability to provide long-term forest management. The holder must deposit with the province a performance guarantee based on the extent of the capital investment obligations assumed, and pay an annual holding and protection charge based on the area covered under the Agreement.

Stumpage dues for FMAs are specified either in the Agreements themselves or in the Timber Management Regulation. Rates are generally negotiated in advance of the Agreement, and they may vary according to a formula specified in the Agreement.

2. Timber Quota Certificate

Timber Quotas provide holders with a long-term right to harvest a specified volume of timber. The Forest Service is responsible for developing sustained-yield Forest Management plans and for issuing timber licenses which authorize the actual cutting of a holder's Quota volume. The holder must pay annual holding and protection charges; smaller quota holders must either conduct reforestation or pay a reforestation levy, while larger holders must carry out reforestation at their own expense. In 1985–86, quotas accounted for 46 percent of the provincial harvest.

Quotas are offered for sale competitively, with applicants bidding a lump sum for the actual Quota Certificate. When holders are ready to cut, the Forest Service issues a timber license and specifies an appraisal factor for the proposed harvest. The appraisal factor adjusts the regulation stumpage dues rate to account for differences in timber quality and accessibility. The appraisal factor is based on four variables: (1) Average haul distance; (2) average gross volume per harvestable acre; (3) average gross volume per tree; and (4) average cull (amount of defect) as a percentage of gross volume. A minimum price for stumpage is set by regulation, regardless of a low appraisal factor.

When Timber Quotas were established in 1966, they were granted to all existing operators who qualified. During the last three years, 96 percent of Quota Certificates have been sold through competitive bidding.

3. Commercial Timber Permit

Commercial Timber Permits are short-term dispositions which authorize the harvest of a small volume of timber. They are generally sold at public auctions to the highest bidder. Holders must deposit a performance guarantee and pay both holding and protection charges and a reforestation levy. In 1985–86, Commercial Timber Permits accounted for nine percent of the total provincial harvest.

The bidding for Commercial Timber Permits determines the actual stumpage dues rate. The final rate consists of (1) the regulation rate; (2) an appraisal factor (see Timber Quota Certificate above); and (3) the bid rate.

British Columbia

1. Tree Farm License (TFL)

A TFL is a forest management agreement covering a described area of provincial and private lands to be managed as one entity. There are 32 TFLs accounting for approximately 28 percent of the provincial annual allowable cut (AAC). The term of a TFL is 25 years and can be revised at each succeeding ten-year anniversary under an "evergreen arrangement," which allows for a new 25-year replacement license.

Advertisement for a new TFL may or may not require that the applicant own specific equipment. Bid proposals are examined at public hearings and evaluated according to the requirements specified in the advertisement and the criteria given in the Forest Act. These criteria include: creation of

employment, management and utilization of timber, the furthering of provincial development objectives, environmental protection and contribution of revenue. After a recommendation by the Minister of Forests and approval by the Cabinet, a TFL is entered into by the applicant and the Minister of Forests.

The stumpage rate for TFL holders is determined by an appraisal based on the residual value system. This method takes into account three components: (1) The selling price of the end product (logs on the Coast; lumber and woodchips in the Interior); (2) allowances for production and operating costs; and (3) allowances for profit and risk. The amount remaining, after allowances for cost and profit are deducted from the selling price, is the price charged for stumpage. In addition to the stumpage fees, an annual rent is required.

2. Forest License

A Forest License is a volume agreement providing the licensee with the right to harvest a specified amount of the AAC. Forest licenses account for approximately 60 percent of the AAC. The term of the license may be for up to 20 years and can be revised at each succeeding five-year anniversary under an "evergreen arrangement," which allows for a new 20-year replacement license.

Advertisement for a new Forest License may or may not require that the applicant own specific equipment. Bid proposals are evaluated according to the same criteria as TFLs and the requirements specified in the advertisement. Following a recommendation to, and approval by the Chief Forester, a Forest License is entered into by the successful applicant and the appropriate Regional Manager of the Ministry of Forests.

The stumpage rate to be paid by the FL holder is determined by the appraisal system. An annual rent is also required.

3. Timber Sale License (Major) (TSL)

A TSL generally has the same requirements as the Forest License. TSLs account for approximately one percent of the AAC. The term of the license may not exceed ten years. While there is no provision for replacement of a TSL, cutting rights are renewable. A TSL is generally used in circumstances where an evergreen replacement feature would not be appropriate because an on-going supply of timber is not expected due to a flood, a fire or an insect infestation.

The award of a new TSL is by the appropriate Regional Manager or District Manager. The applicant with the highest bonus bid is awarded the license.

The stumpage rate is determined by the appraisal system; an annual rent is also required.

4. Timber Sale License (Minor) (TSLM)

TSLMs are a flexible type of license used to accommodate a variety of purposes. It is used primarily for timber sales under the Small Business Enterprise Program. Approximately seven percent of the AAC is cut under TSLMs. The term of the license varies but is usually less than the maximum of 10 years. A TSLM is not replaceable.

TSLMs are generally allocated through an auction process with the opening bid price being either the appraised value or the statutory minimum (*i.e.*, three percent of the selling price of the end product). A large portion of TSLMs are also sold directly without going through an auction process. In addition to stumpage, an annual rent is required.

5. Pulpwood Agreements

The purpose of the Pulpwood Agreements is to provide for an emergency supply of fiber in case wood chips from timber processing facilities are not sufficient. A Pulpwood Agreement also provides that the Province will reserve the right in Forest license and TSLs to provide a right of first refusal on chips generated from harvests within the area of a pulpwood agreement to the holder of the Agreement. The holder must ensure that he first exhausts all feasible sources of chips before exercising his right to cut standing timber. Pulpwood Agreements may be for a term not exceeding 25 years with evergreen replacement at ten-year intervals.

The application and approval process are essentially the same as for TFLs. The stumpage rate is determined according to the appraisal system.

6. Woodlot Licenses

A Woodlot License has the characteristics of a small TFL. Its purpose is to provide an appropriate level of forest management to small isolated blocks of provincial forest land, and if possible, to combine their management with similar forest management practices on private forest land. Woodlot Licenses comprise less than one percent of the stumpage rights in the Province. Woodlot Licenses have a term of 15 years with evergreen replacement, at five-year intervals under the same conditions as for TFLs.

Woodlot licenses are not issued to anyone who owns a wood processing facility. The criteria used by the District Manager to evaluate applications are: the amount and quality of private land to be contributed, the residence of the applicant and the amount of forestry training and experience of the applicant.

The stumpage rate is determined by the appraisal system.

7. Timber Licenses

Timber Licenses are designed to consolidate and replace old temporary tenures without abrogating the rights granted under them. Timber Licenses account for approximately five percent of the amount harvested in the Province.

Timber Licenses require the payment of royalties, annual dues and a fire protection tax. Once all the timber under the license is removed, all rights revert back to the Province.

Ontario

1. Large Order-in-Council Licenses

Large Order-in-Council licenses authorize long-term (21 years), sustanined-yield timber harvesting for a given area. Provincial foresters supervise harvesting, silviculture and reforestation efforts. Holders must pay an area charge for each square kilometer under license; the charge is designed to discourge licensees from holding timber they will not harvest, and is not intended to recover specific costs. In 1985–86, Large Order-in-Council licenses accounted for 28 percent of the total area under license.

The Province considers several factors when allocating stumpage under Order-in-Council licenses, including the location and availability of timber, the applicant's resources and financial responsibility, environmental impacts, and the potential for revenue generation. Once a license is awarded, additional terms and conditions are negotiated with the licensee for site-specific requirements.

Stumpage charges for Order-in-Council licenses consist of statutory, index-based crown dues and negotiated bonus prices. The Province indexes dues to commodity sales prices for pulp, paper and lumber products. The Province also differentiates between integrated and non-integrated stumpage holders when calculating the base rate of dues in an effort to recover greater revenue from more cost-effective integrated producers. In addition to the statutory dues, the Province sometimes negotiates a bonus price for high-value or easily accessible timber.

2. Forest Management Agreement (FMA)

FMAs authorize holders to harvest and manage timber in a given area. Holders are responsible for significant forest management tasks, including reforestation, silviculture and roadbuilding. Recently, the Province has been converting Order-in-Council licenses into FMAs in an effort to transfer forest management responsibilities to private companies. Currently, FMAs cover 57 percent of the total area under license.

FMAs replace one or more Order-in-Council licenses held by the present license holder. Order-in-Council licenses are converted to FMAs in negotiations between the Province and the company. Stumpage dues for FMAs include statutory crown dues and negotiated bonus prices (see Order-in-Council licenses above). Bonus prices are negotiated at the beginning of each FMA and are subject to review after five years.

Quebec

1. Timber Limits

Timber Limits were the only form of allocation arrangements issued by the Province of Quebec before the early 1970's. Pulp and paper companies received the vast majority of limit allocations because Quebec timber was generally suitable only for pulp production until technological advances in the sawmill industry during the late 1960's created a use for small-diameter timber for lumber and related wood products producers. Limits currently account for 41 percent of provincial allocation. They are essentially area agreements under which holders can harvest all species within a designated area.

Timber Limit agreements require the holder to assume substantial forest management obligations. The holder must submit a forest management plan and must undertake substantially all silviculture, reforestation, and fire prevention activities. The holder also assumes one-third of insect and disease protection costs and is reimbursed for 50

percent of the costs of building main access roads.

The Province established no express eligibility requirements and negotiated agreements on an individual basis for large tracts of unused timberland. It was considered essential to award large reserves of timber to ensure establishment of large, long-term operations in the Province. Although the term of an arrangement is indefinite, holders must apply annually for cutting permits. Since 1969, no new timber limits have been issued and existing ones are being gradually revoked as cutting permits come up for renewal.

Only those holders who continue to utilize all trees in their limit area have their permits renewed. Those that have been revoked are converted to domanial forests on which supply agreements are convened.

The Province sets stumpage prices legislatively based on location, species, harvesting difficulties, and volumes per acre. Rates were last changed in 1984. An annual ground rent is also required.

2. Supply Agreements on Domanial Forests

The increased demand for timber in the 1970's, apparently arising from newly-established sawmills, led the government to create "domanial forests" on vacant land and from recently revoked timber limits. In contrast to the character of timber limits, supply agreements allocated from domanial forests permit holders to cut only specific quantities of certain species within a designated area. The stated objective has been to encourage full utilization of all species on allocated provincial lands. Supply agreements are currently the only form of allocation arrangement issued by the Province. Currently, 59 percent of provincial land is allocated under supply agreements.

No explicit eligibility requirements are in force. The Ministry of Energy and Resources chooses between competing applications by considering factors of technology efficiency, availability of timber within a designated area, and perceived economic benefit to the Province. Supply agreements run for ten-year terms and cutting permits are renewed annually.

Stumpage rates for supply agreements are also set legislatively and were last modified in 1984. Rates vary based on geographic location and quality of timber and species. The holder must also pay certain fees, set legislatively, for reforestation, fire prevention and suppression, and insect and disease protection. The holders must build and maintain roads but are reimbursed for 50 percent of the costs of building main access roads.

[FR Doc. 86-23861 Filed 10-21-86; 8:45 am]
BILLING CODE 3510-DS-M

[Docket No. 60977-6177]

Foreign Availability Assessment

AGENCY: Office of Foreign Availability, Export Administration, Commerce.

ACTION: Notice of finding of foreign availability assessment.

SUMMARY: The Office of Foreign Availability (OFA) of Export Administration is required by section 5 (f) and (h) of the Export Administration Act of 1979, as amended, to initiate and review claims of foreign availability on items controlled for national security purposes.

OFA has completed an assessment on single element, encapsulated Mercury-Cadmium-Telluride (HgCdTe) uncooled (295° K room temperature operation) photoelectro-magnetic (PEM) or photoconductive (PC) mode phot detectors with a peak sensitivity at a wavelength shorter than 11,000 nanometers (controlled under ECCN 1548A of the Commodity Control List). Based on such assessment and following consultation with the Department of Defense, the Department of Commerce has found foreign availabillity for this commodity.

FOR FURTHER INFORMATION CONTACT: Larry Hall, Office of Foreign Availability, Department of Commerce, Washington, DC 20230, Telephone: (202) 377-3564.

SUPPLEMENTARY INFORMATION:

Background

The Office of Foreign Availability has completed an assessment on the foreign availability of the following item:

Single element, encapsulated mercury-cadmium-telluride (HgCdTe) uncooled (295° K room temperature operation) photoelectro-magnetic (PEM) or photoconductive (PC) mode photo detectors with a peak sensitivity at a wavelength shorter than 11,000 nanometers.

Such systems are a category of photosensitive components controlled for national security purposes under ECCN 1548 A of the Commodity Control List (Supplement No. 1 to § 399.1 of the Export Administration Regulations).

The purpose of the assessment was to determine whether national security export controls should be continued. The Office of Foreign Availability has completed an assessment, pursuant to Part 391 of the Export Administration Regulations (15 CFR Part 391), of the availability from foreign sources of the above-mentioned equipment and has recommended a finding of foreign availability as defined by law. Based on such assessment and recommendation, the Acting Director, Office of Foreign Availability, has determined that there exists foreign availability of such equipment within the meaning of section 5(f) of the Export Administration Act of 1979, as amended.

Based on this determination, Export Administration will publish regulations removing the export controls on these photo detectors, *i.e.*, the need for an individual validated license to destinations other than controlled countries. Export Administration also will begin the process whereby the United States Government will work with COCOM member governments to reach agreement on an orderly removal of the multilateral controls placed on such detectors when exported to controlled countries.

If the Office of Foreign Availability receives substantive new evidence affecting this foreign availability determination, the assessment will be reevaluated. Inquires concerning the scope of this assessment may be directed to the Office of Foreign Availability at the above address.

Dated: October 16, 1986.

James K. Pont,

Acting Director, Office of Foreign Availability.

[FR Doc. 85-23848 Filed 10-21-85; 8:45 am]
BILLING CODE 3510-DT-M

National Oceanic and Atmospheric Administration

Coastal Zone Management; Federal Consistency Appeal by Exxon From an Objection by the California Coastal Commission

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Public hearing scheduled.

On September 5, 1986, Exxon Company U.S.A. (Exxon) requested that the Secretary of Commerce resume processing of its appeal filed in January, 1983 under sections 307(c)(3) (A) and (B) of the Coastal Zone Management Act of 1972 (CZMA), 16 U.S.C. 1456(c)(3) (A) and (B), and regulations at 15 CFR Part 930 Subpart H. The appeal was taken from an objection by the California Coastal Commission to "Option A" of Exxon's proposed Development and Production Plan (DPP) to increase production from the Santa Ynez Unit (SYU), 19 contiguous oil and gas lease tracts on the Outer Continental Shelf in the Western Santa Barbara Channel. The SYU is estimated to contain 300-400 million barrels of crude oil and 600-700 standard cubic feet of natural gas. Option A involves the treatment and storage of SYU oil on an existing Offshore Storage and Treatment vessel (OS&T) anchored 3.2 miles offshore Southern California. Tankers load from the OS&T and transport the oil to refineries in Texas. Option A would

double the existing capacity of the OS&T to 80 million barrels of oil/day.

The Exxon DPP also contained Option B, under which oil and gas would be transported via subsea pipeline to onshore treatment and storage facilities to be constructed in Las Flores Canyon. The oil would then be piped to a marine terminal. The Commission initially concurred in the consistency of the offshore portion of Option B, but objected to Option A on the grounds of increased risk of oil spills and harm to air quality from the expanded OS&T.

In February, 1984, the Secretary issued a partial decision, finding that: (1) The activity furthered one or more of the competing objectives or purposes of the CZMA; (2) that the production of oil and gas from the SYU was in the national interest; (3) that the project as proposed would not violate any of the requirements of the Clean Air Act and the Clean Water Act; and (4) that the production of oil and gas from the SYU would directly support national defense objectives. The Secretary delayed determining: (1) Whether the adverse effects of Option A outweighed its contribution to the national interest (15 CFR 930.121(b)); (2) whether a reasonable alternative existed which would permit the development of the SYU to be conducted in a manner consistent with the California Coastal Management Program (15 CFR 930.121(d)); and (3) whether national defense and security interests would be significantly impaired if Exxon was not permitted to develop the SYU under Option A (15 CFR 930.122). The Secretary delayed making these findings until additional information on the environmental effects of Option A would be available and to allow Exxon time to obtain the state and local permits necessary to implement Option B.

Following the partial decision, the Commission concurred in the remaining portion of Option B and the County of Santa Barbara issued a permit for a marine terminal. On September 3, 1986, the County of Santa Barbara voted to grant Exxon an authority to construct permit for the onshore processing facility. Exxon found some of the permit conditions, particularly those for mitigating the air quality impacts of the project, to be unreasonable. Exxon then requested the Secretary to resume processing of this administrative appeal, which was last stayed in July 1986. On October 8, 1986, the Secretary of Commerce granted Exxon's request.

A public hearing has been scheduled for 4 p.m. Monday, November 24, 1986, at the Santa Barbara High School Auditorium, 700 East Anamapu, Santa Barbara, California. Participants generally will be limited to five minutes for oral presentations and should confine their comments to the three remaining issues to be decided on appeal, outlined above. Written comments and other information will also be accepted. After Exxon files its initial brief in the appeal, notice will be published requesting written comments.

Nonconfidential information submitted in this appeal will be available for public inspection during business hours at the California Coastal Commission's office; Exxon Company, 225 W. Hillcrest Drive, Thousand Oaks, California; NOAA Office of General Counsel, 1825 Connecticut Ave., NW., Suite 603, Washington, DC; and The Minerals Management Service, 1340 West 6th St., Los Angeles, California.

FOR FURTHER INFORMATION CONTACT: L. Pittman, Attorney/Advisor, Office of the Assistant General Counsel for Ocean Services, 1825 Connecticut Avenue, NW., Suite 603, Washington, DC 20235, (202) 673–5200.

(Federal Domestic Assistance Catalog No. 11.419 Coastal Zone Management Program Administration)

Dated: October 16, 1986.

Daniel W. McGovern,

General Counsel, National Oceanic and Atmospheric Administration.

[FR Doc. 86–23847 Filed 10–21–86; 8:45 am]

BILLING CODE 3510-08-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Requesting Public Comment on Bilateral Textile Consultations With the Government of the People's Republic of China Concerning Cotton, Wool, and Man-Made Fiber Textile Products in Categories 330/630 and 435

October 17, 1986.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on October 22, 1986. For further information contact Diana Solkoff, International Trade Specialists, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212.

Background

On September 29, 1986, pursuant to the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 19, 1983, as amended, between the Governments of the United States and the People's Republic of China, the Government of the United States requested consultations concerning imports into the United States of cotton and man-made fiber handkerchiefs in Category 330/630 and wool coats in Category 435, produced or manufactured in China and exported to the United States.

Summary market statements concerning these categories follow this notice. A description of the cotton, wool and man-made fiber textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED (1986).

Anyone wishing to comment or provide data or information regarding the treatment of Categories 330/630 and 435 under the agreement with the People's Republic of China, or on any other aspect thereof, or to comment on domestic production or availability of textile products included in the category, is invited to submit such comments or information in ten copies to Mr. William H. Houston III, Chairman, Committee for the Implementation of Textile Agreements, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230. Because the exact timing of the consultations is not yet certain, comments should be submitted promptly. Comments or information submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, Room 3100, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC, and may be obtained upon written request.

Further comment may be invited regarding particular comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments regarding any aspect of the agreement or the implementation thereof is not a waiver in any respect of the exemption contained in 5 U.S.C. 553(a)(1) relating to matters which constitute "a foreign affairs function of the United States." Pursuant to the terms of the bilateral

agreement, the People's Republic of China is obligated under the consultation provision to limit its exports to the United States of cotton, wool and man-made fiber textile products in the following categories during the ninety-day period which began on September 29, 1986 and extends through December 27, 1986 to the following levels:

Category	90-day restraint level
330/630	858,766 dozen.
435	3,669 dozen.

The People's Republic of China is also obligated under the bilateral agreement, if no mutually satisfactory solution is reached during consultations, to limit its exports to the United States during the twelve-months following the ninety-day consultation period (Decembr 28, 1986–December 27, 1987) to the following levels:

Category	12-month restraint level
330/630	2,754,697 dozen.
435	8,550 dozen.

The United States Government has decided, pending a mutually satisfactory solution, to control imports of textile products in Categories 330/630 and 435 exported during the ninety-day period at the levels described above. The United States remains committed to finding a solution concerning these categories. Should such a solution be reached in consultations with the Government of the People's Republic of China, further notice will be published in the **Federal Register.**

In the event the limits established for Categories 330/630 and 435 for the ninety-day period are exceeded, such excess amounts, if allowed to enter at the end of the restraint period, shall be charged to the levels defined in the agreement for the subsequent twelve-month period.

SUPPLEMENTARY INFORMATION: On December 30, 1985 a letter to the Commissioner of Customs was published in the **Federal Register** (50 FR 53182) from the Chairman of the Committee for the Implementation of Textile Agreements which established restraint limits for certain categories of cotton, wool and man-made fiber textile products, produced or manufactured in the People's Republic of China and exported during 1986. The notice which preceded that letter referred to the consultation mechanism which applies to categories of textile products under the bilateral agreement, such as Categories 330/630 and 435, which are not subject to specific ceilings and for which levels may be established during the year. In the letter to the Commissioner of Customs which follows this notice, ninety-day levels are established for these categories.

William H. Houston III,

Chairman, Committee for the Implementation of Textile Agreements.

China—Market Statement

Category 330/630—Handkerchiefs

September 1986.

Summary and Conclusions

U.S. imports of Category 330/630 for China were 2,453,616 dozen during the year ending July 1986, 46 percent above the level imported a year earlier. During the first seven months of 1986, imports from China were 1,228,076 dozen 68 percent above the level imported during the same period of 1985.

The U.S. market for Category 330/630 has been disrupted by imports. The sharp and substantial increase of imports for China has contributed to this disruption.

U.S. Production and Market Share

Between 1984 and 1985, U.S. production of handkerchiefs declined by 687 thousand dozen, a seven percent drop. The share of this market held by domestic manufacturers fell from 70 percent in 1984 to 64 percent in 1985.

U.S. Imports and Import Penetration

U.S. imports of Category 330/630 grew from 4,023 thousand dozen in 1984 to 5,043 thousand dozen in 1985, a 25 percent increase. During the first seven months of 1986 Category 330/630 imports were 2,708 thousand dozen, up 22 percent from 2,228 thousand dozen imported during the same period a year earlier. The ratio of imports to domestic production increased from 42 percent in 1984 to 57 percent in 1985.

Duty Paid Value and U.S. Producers Price

Approximately 78 percent of the imports of Category 330/630 from China during the first seven months of 1986 entered under TSUSA No. 370.4800—cotton hemmed handkerchiefs, not fancy or figured and not colored, and TSUSA No. 370.6020—cotton hemmed handkerchiefs, fancy or figured, colored. These handkerchiefs entered the U.S. at duty paid landed values below U.S. producers' prices for comparable handkerchiefs.

China—Market Statement

Category 435—Women's Girls' and Infants' Wool Coats

September 1986.

Summary and Conclusions

U.S. imports of Category 435 from China were 10,483 dozen during the year ending July 1986, percent above the level imported a year earlier. During the first seven months of 1986, imports from China were 9,538 dozen, nearly twice the level imported during the same period of 1985 and 65 percent more than the amount imported during the full year 1985.

The U.S. market for Category 435 has been disrupted by imports. The sharp and substantial increase of imports from China has contributed to this disruption.

U.S. Production and Market Share

U.S. production of women's girls' and infants' wool coats declined 23 percent from 1,269 thousand dozen in 1983 to 982 thousand dozen in 1985. The U.S. producers' share of the market declined from 82 percent in 1983 to 70 percent in 1985

U.S. Imports and Import Penetration

U.S. import of Category 435 grew from 275 thousand dozen in 1983 to 416 thousand dozen in 1985, a 51 percent increae. During the first seven months of 1986 Category 435 imports were 226 thousand dozen, up 17 percent from the level imported during the first seven months of 1985. The ratio of imports to domestic production nearly doubled, increasing from 22 percent in 1983 to 42 percent in 1985.

Duty Paid Value and U.S. Producers' Price

Approximately 63 percent of the imports of Category 435 from China during the first seven months of 1986 entered under TSUSA 384.6200—women's and girls' wool knit coats, not ornamented. These wool knit coats entered the U.S. at duty paid landed values below U.S. producers' prices for comparable coats.

Committee for the Implementation of Textile Agreements

October 17, 1986.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229

Dear Mr. Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as further extended on July 31, 1986; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement, effected by exchange of notes dated August 19, 1983, as amended, between the Governments of the United States and the People's Republic of China; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on October 22, 1986, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool and man-made fiber textile products in Categories 330/630 and 435, produced or manufactured in the People's Republic of China and exported during the ninety-day period which began on September 39, 1986 and extends through December 27, 1986, in excess of the following restraint levels:

Category	90-day restraint levels [1]
330/630	2,754,697 dozen.
435	8,550 dozen.

[1] The limits have not been adjusted to account for any imports exported after September 27, 1986.

Textile products in Categories 330/630 and 435 which have been exported to the United States prior to September 29, 1986 shall not be subject to this directive.

Textile products in Categories 330/630 and 435 which have been released from the

custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

A description of the cotton, wool and man-made fiber textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1986).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely.

William H. Houston III,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 86-23868 Filed 10-21-86; 8:45 am]

BILLING CODE 3510-DR-M

DELAWARE RIVER BASIN COMMISSION

Commission Meeting and Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Tuesday, October 28, 1986 beginning at 1:30 p.m. in the West Lounge of Buck Hill Inn, Buck Hill Falls, Pennsylvania. The hearing will be part of the Commission's regular business meeting which is open to the public.

The subjects of the hearing will be as follows:

A. A proposal that the 1983 Water Resources Program approved on November 30, 1983, as extended and adopted respectively by DRBC Resolution Nos. 84-27 and 85-42 as the 1984 and 1985 Water Resources Program, be extended and adopted as the 1986 Water Resources Program, in accordance with the requirements of § 13.2 of the Delaware River Basin Compact.

B. *Applications for Approval of the Following Projects Pursuant to Article 10.3, Article 11 and/or Section 3.8 of the Compact:*

1. *Township of Burlington D-79-80 CP.* An application for approval of a ground water withdrawal project to supply up to 43.2 million gallons (mg)/30 days of water to the applicant's distribution system from new Well No. 4, and to retain the existing withdrawal limit from all wells of 81 mg/30 days. The project is located in Burlington Township, Burlington County, New Jersey.

2. *Delaware Department of Natural Resources and Environmental Control (DNREC) D-84-10 CP Supplement No. 1.* An application requesting amendment of the DRBC Comprehensive Plan to include the future water supply projects for northern New Castle County, as described in Volume VII of the Water 2000 Plan developed by the Water Resources Agency for New Castle County and conditionaly adopted by DNREC as a component of the Statewide Comprehensive Water Plan, January 24, 1986. The major features of the plan are the recommendations to proceed with the interstate transfer of water from Chester Water Authority in Pennsylvania to New Castle County, Delaware, via the Artesian Water Company system and the identification of two new surface water reservoir sites. One site, known as Churchman's Reservoir, is located new Interstate Route I-95 and Delaware Route 7. The second site is known as Thompson Station Reservoir and is northeast of Newark near Delaware Route 72 on Thompson Station Road.

Other recommendations included in Water 2000 Plan Volume VII are the optimization of existing supplies through interconnections, continued development of selected ground water sites, and research and development on innovative recharge and/or reuse of water resources.

The applicant has requested that the projects recommended in Water 2000 Plan Volume VII be included in the Comprehensive Plan and that all aspects of the "Newark Project" previously included in the Comprehensive Plan in 1962 be entirely deleted.

3. *Town of Liberty—Swan Lake Sewer District Sewage Treatment Plant D-85-52 CP.* The existing Town of Liberty-Swan Lake Sewage Treatment Plant will be demolished and replaced with a new 0.40 million gallons per day (mgd) facility. The new plant is designed to achieve secondary treatment or better. The SPDES permit requires seasonal disinfection only from May 15 through October 15. The new plant will discharge to a tributary of the West Branch of the Mongaup River in the Town of Liberty, Sullivan County, New York.

4. *Town of Liberty—Loomis Sewer District Sewage Treatment Plan D-85-65 CP.* A new wastewater treatment plant replaced an existing 0.05 mgd facility. The new plant consists of an 80,000 gallons per day (gpd) system comprised of sand filtration with overland flow treatment, a polishing lagoon and an ultraviolet disinfection system. The plant is designed for a BOD removal efficiency of 96.3 percent and suspended solids removals of 86.7 percent. The SPDES permit requires seasonal disinfection only from May 15 through October 15. The plant will discharge to an unnamed tributary of Swan Lake at River Mile 261.1-19.7-8.2-1.0-1.0 just downstream of the existing outfall.

5. *Evesham Township Municipal Utilities Authority—Elmwood Sewage Treatment Plant D-85-82 CP.* The Evesham Township Municipal Utilities Authority has submitted an application for the interim expansion of the Elmwood Sewage Treatment Plant from the current design capacity of 1.5 mgd (tertiary treatment) to a new capacity of 1.97 mgd. The treatment plant is located on North Elmwood Road, one mile south of State Highway Route 70 in Evesham Township, Burlington County, New Jersey. The proposed facility will continue to discharge to the Southwest Branch Rancocas Creek at River Mile 111.06-8.61-7.6-10.0.

6. *Warwick Township Water and Sewer Authority D-86-33 CP.* A ground water withdrawal project requesting approval for ground water withdrawals of 0.117 mgd, average, and 0.293 mgd, maximum from Well Nos. 2 and 8. The wells are designed to serve the new "Hedgerows" development and are located in Warwick Township, Bucks County, Pennsylvania in the Southeastern Pennsylvania Ground Water Protected Area.

7. *Gloucester County Utilities Authority D-86-43 CP.* This application involves the upgrading and expansion of the Glucester County Utilities Authority (GCUA) Sewage Treatment Plant in West Deptford Township, New Jersey. The existing plant has a design capacity of 16.5 mgd. The proposed expansion is designed to process 20.1 mgd, and is planned to ultimately be expanded to treat 24.1 mgd of wastewater from domestic, industrial, and septage sources. The GCUA facility is designed to provide secondary treatment and conform with DRBC Zone 4 requirements.

The proposed treatment facility will continue to serve the Mantua, Woodbury, Little Timber and Big Timber watersheds and portions of the Maurice, Raccoon and Repaupo watersheds in Glucester County. The proposed treatment plant effluent will continue to

be discharged to the Delaware River at River Mile 89.7 in Water Quality Zone 4.

8. *Wallace Township Board of Supervisors D–86–44 CP.* This application involves the construction of two wastewater treatment and storage lagoons to provide secondary treatment for 0.053 mgd of domestic wastes. A spray irrigation system will also be built to further remove organics, solids and nutrients. In addition to providing tertiary treatment efficiency, the spray irrigation process is proposed to improve the productivity of over 16 acres of cropland. The existing on-lot subsurface disposal systems will be abandoned when the proposed facilities are completed. The proposed facilities will be located off Indiantown Road in Wallace Township, Chester County, Pennsylvania.

9. *Citizens Utilities Home Water Company D–86–59 CP.* An application for approval of a ground water withdrawal project to increase withdrawals up to 6.48 mg/30 days of water for existing and prospective residential uses from existing Well No. EP–1. The project is located in East Pikeland Township, Chester County, Pennsylvania and is in the Southeastern Pennsylvania Ground Water Protected Area.

10. *Metropolitan Edison Company D–86–61.* An overhead cable crossing to provide 69 KV electric service to Dana Corporation in the City of Reading, Berks County, Pennsylvania. The proposed 400 foot transmission line will cross the Schuylkill river in a section designated for modified recreation under the Pennsylvania Scenic Rivers Act.

11. *South Whitehall Township Authority D–86–62 CP.* An application for approval of an increased ground water withdrawal project to supply up to 10.8 mg/30 days of water to the applicant's distribution system from existing Well No. 3, and to retain the existing total withdrawal limit from all wells of 60 mg/30 days. The project is located in South Whitehall Township, Lehigh County, Pennsylvania.

Documents relating to these items may be examined at the Commission's offices. Preliminary dockets and the proposed 1986 Water Resources Program are available in single copies upon request. Please contact David B. Everett for dockets and David P. Pollison for the Water Resources Program. Persons wishing to testify at this hearing are requested to register with the Secretary prior to the hearing.

Susan M. Weisman,

Secretary.

October 14, 1986.

[FR Doc. 86–23782 Filed 10–21–86; 8:45 am]

BILLING CODE 6360–01–M

DEPARTMENT OF EDUCATION

Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of proposed information collection requests.

SUMMARY: The Deputy Under Secretary of Management invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1980.

DATE: Interested persons are invited to submit comments on or before November 21, 1986.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Desk Officer, Department of Education, Office of Management and Budget, 726 Jackson Place, NW., Room 3208, New Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collection requests should be addressed to Margaret B. Webster, Department of Education, 400 Maryland Avenue, SW., Room 4074, Switzer Building, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: Margaret B. Webster (202) 426–7304.

SUPPLEMENTARY INFORMATION: Section 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement of public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations.

The Director, Information Technology Services, publishes this notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following:

(1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Agency form number (if any); (4) Frequency of collection; (5) The affected public; (6) Reporting burden; and/or (7) Recordkeeping burden; and (8) Abstract. OMB invites public comment at the address specified above. Copies of the requests are available from Margaret Webster at the address specified above.

Dated: October 17, 1986.

Carlos U. Rice,

Acting Director, Information Technology Services.

Office of Educational Research and Improvement

Type of Review: Extension
Title: Application for Grants Under the National Diffusion Network
Agency Form Number: G50–24P
Frequency: Annually
Affected Public: State or local governments; Federal agencies or employees; Non-profit institutions
Reporting Burden: Responses: 50; Burdens Hours: 1200
Recordkeeping Burden: Recordkeepers: 0; Burden Hours: 0

Abstract: Local educational agencies, State educations agencies, and institutions of higher education use this application form to apply for grants under the National Diffusion Network Program.

Type of Review: New
Title: FRSS—Teacher Survey of School Discipline
Agency Form Number: 2379–26
Frequency: Non-recurring
Affected Public: Individuals and households
Reporting Burden: Responses: 1,700; Burden Hours: 850
Recordkeeping Burden: Recordkeepers: 0; Burden Hours: 0

Abstract: The Teacher Survey will collect information from a representative sample of elementary and secondary school teachers concerning discipline problems in public schools. Information collected will be used by the Department of Education to assist in selecting actions to improve the learning climate in schools.

Office of Postsecondary Education

Type of Review: Extension
Title: Application Form of the National Graduate Fellows Progam
Agency Form Number: E40–7P
Frequency: Annually
Affected Public: Individuals and households
Reporting Burden: Responses: 7,000; Burden Hours: 21,000
Recordkeeping Burden: Recordkeepers: 30; Burden Hours: 60

Abstract: This application is used by students to compete for educational grants under the National Graduate Fellows Program.

Type of Review: New
Title: Fiscal Operations Report and Application to Participate (FISAP) Electronic (GATEWAY III) Follow-Up Survey
Agency Form Number: E40–25P
Frequency: Annually
Affected Public: State or local governments; Non-profit institutions
Reporting Burden: Responses: 1600; Burden Hours: 800
Recordkeeping Burden: Recordkeepers: 0; Burden Hours: 0

Abstract: The collection of this information is necessary so that the Department of Education (ED) may find methods of improving the Fiscal Operations Report and Application to Participate through the electronic transfer of information

Type of Review: New
Title: Fiscal Operations Report and Application to Participate (FISAP) Electronic (GATEWAY III) Non-Participant Survey
Agency Form Number: E40–28P
Frequency: Annually
Affected Public: State or local governments; Non-profit institutions
Reporting Burden: Responses: 3500; Burden Hours: 1750
Recordkeeping Burden: Recordkeepers: 0; Burden Hours: 0

Abstract: This survey requests information from institutions of higher education that chose not to participate in the current year's FISAP electronic data collection

[FR Doc. 86–23849 Filed 10–21–86; 8:45 am]
BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Nevada Operations Office; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770), notice is hereby given of the following meeting:

Name: Dose Assessment Advisory Group (DAAG).

Date and Time

Thursday, November 6, 1986, 8:30 a.m.–5:00 p.m.

Friday, November 7, 1986, 8:30 a.m.–4:00 p.m.

Place: U.S. Department of Energy, Nevada Operations Office Auditorium, 2753 South Highland Drive, Las Vegas, Nevada.

Contact: Charles M. Campbell, Deputy Project Manager, Off-Site Radiation Exposure Review Project, Nevada Operations Office, U.S. Department of Energy, Post Office Box 14100, Las Vegas, Nevada 89114, Telephone: (702) 295–0991.

Purpose of the Group

To provide the Secretary of Energy and the Manager, Nevada Operations Office (NV), with advice and recommendations pertaining to the Off-Site Radiation Exposure Review Project (ORERP). This project concerns the evaluation and assessment of the amount of radiation received by members of the off-site population surrounding the Nevada Test Site (NTS) as a result of the nuclear test operations conducted at NTS.

Tentative Agenda

November 6, 1986
Welcome and Introductions
Remarks
Progress Report
Comments on Recommendations
Survey Meter Data Base
Town Data Base
External Dose Estimates—Phase I
Air Quality Data Base
Inhalation Dose Estimates
Pathway Analysis—Phase I
Ingestion Dose Estimates—Phase I
Fallout Pattern Analyses
Meteorological Modeling of Phase II Events
Public Comment

November 7, 1986

Reflections on Chernobyl
Future of the Coordination and Information Center
Document Identification and Retrieval
Document Archiving
Overview of Phase II
Observations
DAAG Comments and Recommendations
Public Comment

Public Participation

The meeting is open to the public. The Chairperson of the Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Charles Campbell, at the address or telephone number listed above.

Transcripts

Available for public review and copy at the Public Reading Room, Room 1E–190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, on October 15, 1986.

J. Robert Franklin,
Deputy Advisory Management Officer.

[FR Doc. 86–23662 Filed 10–21–86; 8:45 am]
BILLING CODE 6450–01–M

Economic Regulatory Administration

Proposed Remedial Order to Anchor Gasoline Corp.

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of issuance of proposed remedial order to Anchor Gasoline Corporation.

I. Introduction

Pursuant to 10 CFR 205.192 the Economic Regulatory Administration (ERA), Department of Energy (DOE), hereby gives notice that a Proposed Remedial Order was issued on August 26, 1986 to Anchor Gasoline Corporation (Anchor), 114 East Fifth Street, Tulsa, Oklahoma 74103. The impact of the alleged violations is nationwide. In accordance with 10 CFR 205.192, a copy of the Proposed Remedial Order with confidential information, if any, deleted, may be obtained from the DOE Freedom of Information Room, U.S. Department of Energy, 1000 Independence Avenue, SW., Room 1E–190, Washington, DC 20585.

Anchor is a refiner and a gas processor engaged in the production of crude oil, the refining and marketing of petroleum products and the production of natural gas liquids and natural gas liquid products. Anchor was therefore subject to the Mandatory Petroleum Price and Allocation Regulations which were in effect until January 28, 1981.

II. Proposed Remedial Order No. 740S01247

The Economic Regulatory Administration of the DOE has audited Anchor's reported increased product and non-product costs, increased shrinkage costs and cost recoveries from August 1973 through December 1980. By means of a Special Report Order issued to Anchor by DOE on November 12, 1985, ERA developed further information on certain issues raised previously in Notices of Probable Violation issued to Anchor.

ERA determined that Anchor overcharged purchasers of distillates, gasoline condensate and natural gas liquids (NGL's) and natural gas liquid products (NGLPs), in the amount of

$6,707,395.00, plus interests, by improperly computing its product and non-product costs and cost recoveries for the audit period, and by improperly calculating the amount of increased costs available for recovery in sales of gasoline and distillates by excluding sales of natural gas liquids (NGL's) and residual fuel from its "V" factor allocations. ERA further determined that Anchor improperly utilized the "B" factor when it should have utilized the "A" factor in claiming costs for gasoline, and, in addition, failed to compute its cost recoveries in accordance with the equal application rule. ERA also found that Anchor overcharged its customers by $105,457.17 plus interest in sales of condensate as a result of Anchor's improper determinations as to whether its condensate produced and sold qualified for sale as "new" crued oil in accordance with the requirements of 10 CFR Part 212, Subpart D.

To remedy these violations, ERA proposes that Anchor refund $6,812,852.17 in overcharges, plus interest of $12,313,309 computed through June, 1986, and interest to the date of payment. ERA further proposed that Anchor compute its recoveries in accordance with the equal application/deemed recovery rule. The PRO contemplates that Anchor will pay to DOE, for deposit in a suitable account for ultimate disposition by DOE, the total amount received by Anchor in violation of the regulations cited plus interest accrued to the date of payment.

Within fifteen (15) days of publication of this notice, any aggrieved person may file a Notice of Objection to the PRO with the Office of Hearings and Appeals, U.S. Department of Energy, Room 6F-055, 1000 Independence Avenue, SW. Washington, DC 20585, in accordance with 10 CFR 205.193. A person who fails to file a Notice of Objection shall be deemed to have admitted the findings of fact and conclusions of law stated in the proposed order. If a Notice of Objection is not filed in accordance with § 205.193, the proposed order may be issued as a final Remedial Order by the Office of Hearings and Appeals.

Issued in Washington, DC 10th day of October, 1986.

Marshall A. Staunton,

Administrator, Economic Regulatory Administration.

[FR Doc. 86-23811 Filed 10-21-86; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. ER87-5-000 et al.]

Alabama Power Company et al.; Electric Rate and Corporate Regulation Filings

October 15, 1986.

Take notice that the following filings have been made with the Commission:

1. Alabama Power Company

Docket No. ER87-5-000.

Take notice that Alabama Power Company on October 3, 1986 tendered for filing a Transmission Service Delivery Point Agreement specifying an additional delivery point to be covered by the Agreement between Alabama Power Company and Alabama Electric Cooperative Members of AEC which was dated August 28, 1980 ("Agreement"). This Agreement has been designated Rate Schedule FERC No. 147 by the FERC. The purpose of this agreement is to provide for the commencing of initial transmission service at a new location under the Agreement. Service was not previously supplied to the new delivery point and, therefore, it was not included under the Agreement when it was initially filed with the Federal Energy Regulatory Commission on August 28, 1980. Service will commence under the Agreement for Central Alabama Electirc Cooperative's Jones Delivery Point by October 1, 1986.

Copies of the filing were served upon Alabama Electric Cooperative, Inc.

Comment date: October 27, 1986, in accordance with Standard Paragraph E at the end of this notice.

2. Central Louisiana Electric Company, Inc.

Docket No. ER86-717-000.

Take notice that on September 26, 1986 Central Louisiana Electric Company, Inc. ("CLECO") submitted for filing a copy of an executed Electric System Interconnection Agreement Between Central Louisiana Electric Company, Inc. and the City of Alexandria, Louisiana Electric System Interconnection Agreement dated December 23, 1964 on file as CLECO's Rate Schedule FPC No. 19.

CLECO requests an effective date of May 13, 1986, and therefore request waiver of the Commission's notice requirements.

Comment date: October 24, 1986, in accordance with Standard Paragraph E at the end of this document.

3. Consolidated Edison Company of New York, Inc.

Docket No. ER87-7-000.

Take notice that on October 3, 1986, Consolidated Edison Company of New York, Inc. ("Con Edison") tendered for filing, as an initial rate schedule, an agreement to sell capacity to Long Island Lighting Company ("LILCO"). The agreement provides for a capacity charge of $75.45 per megawatt per day for 80 megawatts and an energy charge based upon incremental costs of generation.

Con Edison requests waiver of the notice requirement of § 35.3 of the Commission's regulations so that the Rate Schedule can be made effective as of June 1, 1985.

Con Edison states that a copy of this filing has been served by mail upon LILCO.

Comment date: October 27, 1986, in accordance with Standard Paragraph E at the end of this notice.

4. Elkem Metals Company

Docket No. ER86-723-000.

Take notice that Elkem Metals Company ("Elkem"), on September 30, 1986, tendered for filing with the Commission as rate schedules pursuant to §§ 35.12 and 35.13 of the Commission's regulations the following: (i) a Power Interchange and Facilties Agreement between Elken and Monongahela Power Company ("Monongahela"), a member of the Allegheny Power System ("APS") and (ii) a Power Purchase Agreement between Elkem and American Municipal Power-Ohio, Inc. (AMP-O").

The agreements set forth terms pursuant to which (i) Elkem and Monongahela provide for periodic energy interchanges and facilities coordination; and (ii) Elkem will sell to Monongahela 20 MW of capacity and energy for resale by Monongahela to AMP-O. The agreement has an effective date of October 1, 1986, and a term of one year.

Copies of the filing were served by Elkem upon what will be its sole jurisdictional customer, Monongahela Power Company, as well as upon American Municipal Power-Ohio.

The parties have requested a waiver of the Commission's Rules and Regulations to permit the proposed sale to become effective on less than 60 days notice.

Comment date: October 24, 1986, in accordance with Standard Paragraph E at the end of this notice.

5. Maine Public Service Company

Docket No. ER86-720-000.

Take notice that on September 30, 1986, Maine Public Service Company ("the Company") tendered for filing a petition to permit it to deviate from the Commission's regulations that govern its Fuel Cost and Purchased Economic Power Adjustment under 18 CFR 35.14 for service rendered after July 1, 1986, or on less than the 60 day statutory notice. This petition requests a waiver of 18 CFR 35.14 to permit the Company to include in its Fuel Cost and Purchased Economic Power Clause the cost of energy and capacity from Signal-Sherman Energy Company, a qualifying facility within the meaning of the Public Utility Regulatory Policies Act of 1978, 16 USCA 791a et seq. The Company states that the waiver, if granted, would result in its collecting up to approximately $139,000 more revenue per month over the Clause now in effect.

The affected customers are the Houlton Water Company, the Van Buren Light and Water District and the Eastern Maine Electric Cooperative, Inc., which the Company states have agreed to the waiver.

The company states that copies of its filing have been served on the affected Wholesale Customers, the Maine Public Utilities Commission and the Maine Public advocate.

Comment date: October 24, 1986, in accordance with Standard Paragraph E at the end of this notice.

6. Pacific Gas and Electric Company

Docket No. ER86-634-000.

Take notice that on October 6, 1986, Pacific Gas and Electric Company (PG&E) tendered for filing a Certificate of Concurrence to an Economy Energy Contract between itself and Public Service Company of New Mexico (PNM) dated May 12, 1983, and to Amendment No. 1, thereof dated December 27, 1985. The Contract, as amended, permits the seller to offer economy energy at rates which permit the price to reflect the current market price of such energy or the seller's costs to generate such energy. PG&E also submitted for filing information concerning PG&E's fully allocated costs to provide economy energy service under this amended Contract.

Copies of the Certificate of Concurrence and cost support have been served upon PNM.

Comment date: October 27, 1986, in accordance with Standard Paragraph E at the end of this notice.

7. Pacific Gas and Electric Company

Docket No. ER86-719-000.

Take notice that on September 29, 1986, Pacific Gas and Electric Company (PGandE) gave notice, pursuant to section 205 of the Federal Power Act and Part 35 of the Commission's Regulations under the Federal Power Act, of an increase in the level of rates and charges for certain electric distribution services rendered to Westlands Water District (Westlands) pursuant to the PGandE-Westlands letter agreement dated July 28, 1966, FPC Original Volume IV, original sheets 173-186 on file with the Commission.

PGandE tendered for filing and acceptance, as part of its FPC Electric Tariff, the revised tariff sheets listed below.

1. PGandE's FPC Original Volume IV, proposed Supplement 1 superseding original tariff sheet No. 177. This tariff sheet if accepted, would be effective October 5, 1973 until superseded by the proposed Supplement No. 2, below. There was no rate change under Supplement No. 1.

2. PGandE's FPC Original Volume IV, proposed Supplement 2 superseding Supplement 1 (above) to original Tariff Sheet No. 177.

The proposed effective dates of these tariff sheets are as follows.

1. Supplement No. 1—October 5, 1973
2. Supplement No. 2—March 24, 1981

Supplement No. 2, if accepted, would result in rate increases as follows:

1. March 1, 1982—December 31, 1986–38%
2. January 1, 1987—Until Superseded–53%

PGandE's principal reason for filing the proposed tariff sheets is to make the tariff sheets agree with the contract. In 1973 and again in 1981, the letter agreement terminated on its own terms.

Comment date: October 24, 1986, in accordance with Standard Paragraph E at the end of this notice.

8. Portland General Electric Company

Docket No. ER87-1-000.

Take notice that on October 1, 1980, Portland General Electric Company (PGE) tendered for filing its revised Average System Cost (ASC) which reflects PGE's Power Cost Adjustment (PCA) rate change which became effective with meter readings on and after January 30, 1986. This filing includes a revised Schedule 4 to Appendix 1, Exhibit C of the Residential Purchase and Sale Agreement along with the authorization to implement this rate change from the Public Utility Commissioner of Oregon.

PGE states that the filing shows that the first quarter PCA adjustment to the current base ASC is 1.28 mills/kWh credit, which when added to with the base ASC results in a net ASC rate effective for this period.

Comment date: October 27, 1986, in accordance with Standard Paragraph E at the end of this notice.

9. Public Service Company of Colorado

Docket No. ER86-722-000.

Take notice that on September 29, 1986, Public Service Company of Colorado (Public Service) tendered for filing a proposed change in its Power Purchase and Interchange Agreement (Agreement) with Colorado-Ute Electric Association, Inc. (Colorado-Ute). Public Service states that the proposed change is an Amendment to Public Service's Agreement with Colorado-Ute, dated April 30, 1982, on file with the Commission under Public Service's FERC Rate Schedule No. 37.

Public Service states that the Amendment to the Agreement with Colorado-Ute provides for Colorado-Ute to purchase less power and energy during the initial 10 years of the Agreement than what was originally agreed to.

Public Service states that copies of the filing were served upon all parties to the Agreement and affected state commissions.

Comment date: October 27, 1986, in accordance with Standard Paragraph E at the end of this notice.

10. Southwestern Power Administration

Docket No. EF86-4021-000.

Take notice that the Under Secretary, U.S. Department of Energy, on September 30, 1986, submitted to the Commission for confirmation and approval on a final basis, pursuant to the authority vested in the Commission by Delegation Order No. 0204-108, as amended May 30, 1986 (51 FR 19744), an annual power rate of $1,715,040 for section 3, Article II, of Contract No. 14-02-0001-1124 between the Southwestern Poser Administration and Sam Rayburn Dam Electric Cooperative, Inc. The rate was confirmed and approved on an interim basis by the Under Secretary of Energy in Rate Order No. SWPA-19 for the period October 1, 1986, through September 30, 1990, and has been submitted to the Commission for confirmation and approval on a final basis for the same period. The rate supersedes the annual power rate of $1,704,504 which the Commission

approved effective June 22, 1983, under Docket No. ER83–4021–000. The annual rate of $1,715,040 is based on the 1986 Revised Power Repayment Study for Sam Rayburn Dam and represents an annual increase in revenue of $10,536, or 0.6 percent to recover increased operating expenses.

Comment date: October 27, 1986, in accordance with Standard Paragraph E at the end of this notice.

11. Union Electric Company

Docket No. ER87–2–000.

Take notice that on October 1, 1986 Union Electric Company (UE) tendered for filing an Amendment dated September 19, 1986, to the Interchange Agreement dated August 29, 1985, between Iowa Southern Utilities Company (ISU) and UE. Said Amendment primarily provides for revised metering locations.

Also filed was a Facility Use Agreement dated September 19, 1986, providing for the lease by ISU of certain facilities and related charges. UE indicates the filing is a result of ISU serving the Iowa Army Ammunition Plant formerly served by UE.

Comment date: October 24, 1986, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in detrmining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86–23839 Filed 10–21–86; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. CP86–745–000 et al.]

Colorado Interstate Gas Company et al.; Natural Gas Certificate filings.

October 16, 1986.

Take notice that the following filings have been made with the Commission:

1. Colorado Interstate Gas Company

[Docket No. CP86–745–000]

Take notice that on September 29, 1986, Colorado Interstate Gas Company (CIG), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP86–745–000 an application pursuant to section 7(b) of the Natural Gas Act for an order permitting and approving the abandonment of certain transportation service rendered in connection with a Gas Transportation and Exchange Agreement (Agreement) with Cheyenne Light, Fuel and Power Company (Cheyenne), all as more fully set forth in the application which is on file with the Commission and open for public inspection.

CIG states that pursuant to the Agreement dated December 18, 1978, Cheyenne purchased up to 1,500 Mcf of natural gas per day from Energetics, Inc. (Energetics), during the months of December through March. CIG further states that this natural gas was delivered by Energetics for the account of Cheyenne to Williston Basin Interstate Pipeline Company (WBI) at the tailgate of the Tioga Plant which is operated by Aminoil USA, Inc., and is located in Williams County, North Dakota. CIG indicates that WBI then transported and delivered thermally equivalent volumes to CIG in Fremont and Park Counties, Wyoming. CIG further indicates that it transported this natural gas and delivered it to Cheyenne at an existing point of interconnection in Weld County, Colorado, pursuant to the Agreement.

CIG states that it originally transported this natural gas for Cheyenne pursuant to section 311(a)(1) of the Natural Gas Policy Act of 1978 and § 284.107 of the Regulations under the Natural Gas Act (18 CFR 284.107), which service expired on April 1, 1983. CIG further states that it received Commission authorization to reestablish this transportation service for Cheyenne pursuant to a Certificate of public convenience and necessity issued in Docket No. CP83–517–000 on December 8, 1983.

CIG indicates that Cheyenne has terminated the purchase of natural gas from ITR Petroleum, Inc. (successor to Energetics), and has requested that CIG terminate the Agreement. CIG further indicates that no CIG facilities would be abandoned as a result of the abandonment of transportation service.

Comment date: November 6, 1986, in accordance with Standard Paragraph F at the end of this notice.

2. K N Energy, Inc.

[Docket No. CP87–9–000]

Take notice on October 7, 1986, K N Energy, Inc. (K N), P.O. Box 15265, Lakewood, Colorado 80215 filed in Docket No. CP87–9–000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authority to construct and operate sales taps for the delivery of gas to three domestic residences in Dawson County, Nebraska, and Ellis County, Kansas, under K N's blanket certificate issued in Docket No. CP83–140–000, pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

K N indicates it proposes to construct and operate sales taps to serve a residential customer an estimated total of two Mcf of natural gas per peak day and an annual volume of 120 Mcf of gas in Dawson County, Nebraska, and two residential customers in Ellis County, Kansas, a total of four Mcf of gas per peak day and 240 Mcf of gas annually.

K N states that the proposed sales taps are not prohibited by any of its existing tariffs and that the additional service will not have a significant impact on its peak day and annual deliveries.

Comment date: December 1, 1986, in accordance with Standard Paragraph G at the end of this notice.

3. Tennessee Gas Pipeline Company, A Division of Tenneco Inc.

[Docket No. CP86–741–000]Z

Take notice that on September 26, 1986, Tennessee Gas Pipeline Company, A Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP86–74–00 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the interruptible transportation of natural gas for Creole Gas Pipline Corporation (Creole), all as more fully set forth in the appplication which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to receive, on an interruptible basis, up to 60,000 dt of natural gas per day from existing points of interconnection between the facilities of Applicant and (1) Louisiana Intrestate Gas Corporation in Natchitoches and St. Martin Parishes, Louisiana; (2) Channel Industries Gas Company in Nueces and Newton Counties, Texas; (3) Mobil Oil Corporation at the tailgate of the LaGloria Plant in Jim Wells County, Texas; and (4) Texaco, Inc., in Eugene

Island Block 365 A, offshore Louisiana, and (5) Tenneco Oil Company in various blocks of the Eugene Island, South Marsh Island, Ship Shoal, and Vermilion areas, offshore Louisiana.

It is explained that Applicant would transport and deliver quantities of such natural gas (less fuel, lost and unaccounted for gas, and thermal reduction due to processing) for the account of Creole at the existing point of interconnection between the facilities of Applicant and Ponchatrain Natural Gas System, near Beckwith Creek in Calcasieu Parish, Louisiana, for ultimate redelivery to PPG Industries Inc. The proposed service would be rendered under a ten-year transportation agreement between Applicant and Creole dated September 24, 1986, (Agreement).

It is further explained that under the proposed Agreement Applicant would charge Creole an applicable cost-based rate per dt multiplied by the total quantity of natural gas, in dekatherms, delivered by Applicant for the account of Creole from each receipt point to the delivery point. Applicant states that such cost-based rates and receipt points are specified in Exhibit B of the proposed Agreement. Applicant further states that it would also charge Creole the applicable GRI surcharge.

Under the terms of the proposed Agreement, Applicant would also transport the liquids and liquefiable hydrocarbons associated with the natural gas tendered by Creole for transportation.

Applicant states that it would require no new facilities in order to render the proposed interruptible transportation service for Creole.

Comment date: November 6, 1986, in accordance with Standard Paragraph F at the end of this notice.

4. Texas Eastern Transmission Corporation

[Docket No. CP86-734-000]

Take notice that on September 22, 1986, Texas Eastern Transmission Corporation (Tetco), P.O. Box 2521, Houston, Texas 77252, filed in Docket No. CP86-734-000, as supplemented on October 8, 1986, an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act for permission and approval to abandon service under Rate Schedule WS to Equitable Gas Company (Equitable) and for authorization to sell for resale quantities of gas under Rate Schedule WS to Mississippi Valley Gas Company (Mississippi) and United Cities Gas Company (United), respectively, all as more fully set forth in the application on file with the Commission and open to public inspection.

Tetco states that it currently renders service to Equitable, Mississippi and United under its Rate Schedule WS, of its FERC Gas Tariff, Fourth Revised Volume No. 1. Tetco states that Rate Schedule WS provides a firm, peak day sales and storage service to customers who have executed a WS Service Agreement with Tetco and such service is available during the winter period from November 16th to April 15th.

Tetco states that in light of Equitable's present and forseeable supply surplus, Equitable has advised Tetco of its desire to terminate, upon less than twelve months prior written notice, the September 28, 1960, WS Service Agreement (Agreement), as of November 1, 1986. Tetco states that upon receipt of Equitable's request, Tetco contacted applicable customers of Rate Schedule WS, who could be served without the construction of additional facilities, and offered to them the quantities of gas currently under contract to Equitable. Tetco states that Mississippi and United expressed an interest in the additional volumes. Therefore, Tetco requests permission and approval to abandon its service under Rate Schedule WS to Equitable effective the later of November 1, 1986, the first day of the first month following grant of such abandonment approval and the acceptance by Tetco of the certificate authorization sought herein, or November 15, 1987. Further, Tetco requests authorization to sell for resale quantities of natural gas to Mississippi and United under Rate Schedule WS, as follows:

	Existing quantities (Dth)	Increase requested (Dth)	Total quantities (Dth)
Mississippi:			
Winter Contract Quantity	373,680	89,010	462,690
Winter Storage Quantity	0	0	0
Average Daily Quantity	4,152	989	5,141
Maximum Daily Quantity	6,228	1,483	7,711
United:			
Winter Contract Quantity	18,720	4,410	23,130
Winter Storage Quantity	5,616	0	5,616
Average Daily Quantity	208	49	257
Maximum Daily Quantity	312	74	386

Tetco states that no additional facilities are required inasmuch as the increased deliveries to Mississippi and United will be made upstream of the prior WS delivery point to Equitable.

Tetco states that its proposal herein will enable Equitable to tailor its gas purchase obligations to its changing market conditions while at the same time providing additional firm quantities to Mississippi and United to meet their increased market demands for the forthcoming winter season.

Comment date: November 6, 1986, in accordance with Standard Paragraph F at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-23837 Filed 10-21-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA87-1-41-000, 001]

Change in Rates Pursuant to Purchased Gas Cost Adjustment, Southwest Gas Corp.

October 17, 1986.

Take notice that Southwest Gas Corporation (Southwest) on October 6, 1986, tendered for filing Thirty-second Revised Sheet No. 10, Alternate Thirty-second Revised Sheet No. 10, Twelfth Revised Sheet No. 10A, Fifth Revised Sheet No. 27, Fourth Revised Sheet No. 28, First Revised Sheet No. 30B, Seventh Revised Sheet No. 31, and Fourth Revised Sheet No. 32 pursuant to section 9, Purchased Gas Adjustment Clause (PGAC), of the General Terms and Conditions contained in its FERC Gas Tariff, Original Volume 1. The purpose of said filing is to reflect a decrease in rates occasioned by a decrease in rates from Northwest Pipeline Corporation, Southwest's sole supplier of gas in northern Nevada, effective November 1, 1986. Southwest also proposes to change the methodology of calculating the surcharge adjustment contained in its PGAC Provision. The proposed effective date for Southwest's filing is November 1, 1986.

Southwest states that a copy of this filing has been mailed to the Nevada Public Service Commission, the California Public Utilities Commission, Sierra Pacific Power Company and CP National Corporation.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before October 24, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-23838 Filed 10-21-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP86-523-000 and CO86-524-000]

Iroquois Gas Transmission System; Iroquois Pipeline Project; Notice of Extended Hours for Public Scoping Meetings

October 20, 1986.

On October 8, 1986,[1] the Federal Energy Regulatory Commission (FERC or Commission) annmounced a public scoping meeting to be held in Torrington, Connecticut, on October 28, 1986, from 9:00 a.m. to 1:00 p.m. The Commission has decided to extend the meeting by adding an afternoon session from 2:00 p.m. to 4:00 p.m. The revised schedule is:

Tuesday, October 28, 1986, 9:00 a.m. to 1:00 p.m., 2:00 p.m. to 4:00 p.m., Torrington Civic Center, 101 Litchfield Street, Torrington, Connecticut 06790.

Requests to participate are due no later than October 22, 1986, as previously announced. Further information concerning the public scoping meeting or about the Iroquois proposal is available from the Secretary, telephone (202) 357-8400.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-23930 Filed 10-21-86; 8:45 am]

BILLING CODE 6717-01-M

Implementation of Special Refund Procedures

Office of Hearings and Appeals

AGENCY: Office of Hearings and Appeals, DOE.

ACTION: Notice of proposed implementation of special refund procedures and solicitation of comments.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy solicits comments concerning the appropriate procedures to be followed in refunding $146,550,226.79 in consent order funds to members of the public. This money is being held in escrow following the settlement of enforcement proceedings brought by the Economic Regulatory Administration of the Department of Energy involving Gulf Oil Corporation.

DATE AND ADDRESS: Comments must be filed in duplicate within 30 days of the date of publication of this Notice in the **Federal Register** and should be addressed to: Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585. All comments should conspicuously display a reference to the Case Number HEF-0590.

FOR FURTHER INFORMATION CONTACT: Virginia A. Lipton, Assistant Director, Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585, (202) 252-2400.

SUPPLEMENTARY INFORMATION: In accordance with the procedural regulations of the Department of Energy, 10 CFR 205.282(b), notice is hereby given of the issuance of the Proposed Decision and Order set out below. The Proposed Decision relates to a June 14, 1985 consent order between the DOE and Gulf Oil Corporation. That consent order settled certain disputes between the firm and the DOE concerning Gulf's possible violations of DOE regulations in its sales of crude oil and refined petroleum products. The consent order covers the period January 1, 1973 through January 27, 1981.

The Proposed Decision sets forth the procedures and standards that the DOE has tentatively formulated to distribute the contents of an escrow account in the amount of $146,550,226.79, funded by Gulf pursuant to the consent order. The DOE has tentatively divided the consent order fund into two pools; one relating to Gulf crude oil sales and the other relating to Gulf sales of refined products. Under the DOE's tentative procedures, purchasers of Gulf refined products may file claims for refunds from the escrow fund. The amount of the refund available to an applicant will generally be a pro rata or volumetric share of the Gulf consent order fund. With respect to the refund pool available for purchasers of Gulf refined products, the Proposed Decision

[1] 51 FR 36463, October 10, 1986.

provides that in order to receive a portion of its allocable share, a claimant must furnish the DOE with evidence that it was injured by the allegedly unlawful prices for covered products charged by Gulf. However, the Proposed Decision indicates that no separate, detailed showing of injury will be required of end-users of the relevant product, or of firms which file refund claims in amounts of $5,000 or less. The Proposed Decision further indicates that an applicant whose claim, if granted, would result in a refund greater than $5,000 but less than $50,000 may elect to receive a refund based on 40 percent of its allocable share. According to the Proposed Decision, such an applicant will not be required to provide a separate demonstration of injury. The Proposed Decision also tentatively determines that applicants whose claims, if granted, would result in a refund of $50,000 or more will be required to demonstrate that they were injured as a result of their purchases of Gulf product. The Proposed Decision also sets forth a suggested application format which claimants may use and solicits comments regarding the suggested format. The Proposed Decision notes that after all applications for refunds based on refined product purchases have been processed, some funds may remain. The Office of Hearings and Appeals therefore invites interested parties to submit comments concerning methods of distributing any remaining refined product funds in a subsequent proceeding.

With regard to the portion of the consent order fund attributable to Gulf's alleged crude oil violations, the decision proposes to distribute these funds in accordance with the DOE Modified Statement of Restitutionary Policy Concerning Crude Oil Overcharges, 51 FR 27899 (August 4, 1986).

Until a final Decision and Order is issued, no claims for refund can be accepted. Applications for Refund therefore should not be filed at this time. Appropriate public notice, including notice published in the **Federal Register**, will be given when the submission of claims is authorized. The deadline for filing such claims will be no less than 90 days for publication of such notice in the **Federal Register.**

Any member of the public may submit written comments regarding the proposed refund procedures. Commenting parties should submit two copies of their comments. Comments should be submitted within 30 days of publication of this notice in the **Federal Register**, and should be sent to the address set forth at the beginning of this notice. All comments received will be available for public inspection between the hours of 1:00 p.m. and 5:00 p.m., Monday through Friday, except federal holidays, in the Public Reference Room of the Office of Hearings and Appeals, located in Room 1E–234, 1000 Independence Avenue SW., Washington, DC 20585.

Dated: October 15, 1986.

George B. Breznay,

Director, Office of Hearings and Appeals.

Proposed Decision and Order of the Department of Energy

Implementation of Special Refund Procedures

October 15, 1986.

Name of Firm: Gulf Oil Corporation
Date of Filing: July 25, 1985
Case Number: HEF–0590.

On July 25, 1985, the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) filed a petition with the Office of Hearings and Appeals (OHA), requesting that the OHA formulate and implement procedures for distributing funds obtained through the settlement of enforcement proceedings involving Gulf Oil Corporation (Gulf). *See* 10 CFR Part 205, Subpart V. This proposed decision sets forth OHA's tentative plan for distributing these funds to qualified refund applicants. Section I below outlines the approach to be used in connection with applicants that claim injury as a result of Gulf's alleged crude oil overcharges. The decision then discusses the considerations applicable to the preparation of refund applications related to purchases of Gulf refined petroleum products. This discussion appears at Section II of this decision. Section II(A) sets forth specific requirements applicable to each of the various types of claimants that are likely to file applications in connection with purchases of Gulf refined products. A claimant should take particular note of those requirements applicable to its particular circumstances. The specific application requirements are followed at Section II(B) by a discussion of general requirements which apply to all refund applications involving refined petroleum products. Since the procedures set forth in this decision are in proposed form, no refund applications should be filed at this time. A final determination will be issued at a later date announcing that the filing of Gulf refund applications is authorized.

During the period covered by the settlement agreement, Gulf was engaged in the production, sale, and refining of crude oil, as well as in the sale of refined petroleum products. DOE audits of Gulf's operations revealed possible regulatory violations in the firm's application of the federal petroleum price and allocation regulations. In order to settle claims and disputes between Gulf and the DOE, the two parties entered into a consent order which became final on June 14, 1985. Under the terms of the consent order, Gulf remitted $146,550,226.79 to the DOE in settlement of alleged violations occurring between January 1, 1973 and January 27, 1981 (the consent order period). These funds are being held in an escrow account established with the United States Treasury pending a determination of their proper distribution. Because the consent order resolves alleged violations involving both sales of crude oil and refined products, we propose to divide the fund into two pools. *See Standard Oil Co. (Indiana),* 10 DOE ¶ 85,048 (1982) (*Amoco*). According to information set forth in the **Federal Register** Notice announcing the proposed Gulf consent order, approximately 71 percent of the aggregate amount of the alleged violations settled by the consent order concern Gulf's pricing of crude oil. 50 FR 9493, 9496 (March 6, 1985). We therefore propose that this same percentage of the principal contained in the Gulf escrow account, or $104,050,661, be set aside as a pool of crude oil funds now available for disbursement. We further propose that the remaining 29 percent of the Gulf funds, or $42,499,566 be made available for distribution to claimants who demonstrate that they were injured by Gulf's alleged violations in sales of refined petroleum products.

I. Proposed Refund Procedures for Crude Oil Claims

On July 28, 1986, as a result of a court-approved Settlement Agreement in *The Department of Energy Stripper Well Litigation,* the DOE issued a Modified Statement of Restitutionary Policy (MSRP) providing that crude oil overcharge revenues will be divided among the States, the United States Treasury, and eligible purchasers of crude oil and refined products. 51 FR 27899 (August 4, 1986). Under the MSRP, up to 20 percent of these crude oil overcharge funds may be reserved for direct restitution to injured persons, through the Subpart V special refund procedures. Under the MSRP, the funds not reserved for direct restitution are to be disbursed to the state and federal governments for indirect restitution. In addition, after all valid claims are paid, unclaimed funds from the claims reserve pool will be divided equally between the

state governments and the federal government. The federal government's share of the unclaimed funds will ultimately be deposited into the general fund of the Treasury of the United States.

The Gulf crude oil funds, $104,050,661, are subject to the MSRP. Therefore, pursuant to the MSRP, we propose to institute a claims process for the crude oil funds involved in this proceeding. The process will be used to consider claims of purchasers of refined products that they were adversely affected by the Gulf alleged crude oil overcharges. We propose to reserve the full 20 percent of the alleged crude oil violation amount, or $20,810,132, for direct restitution to claimants. The process which the OHA will use to evaluate claims based on alleged crude oil violations will be modeled after the process the OHA has used to evaluate claims based on alleged refined product overcharges pursuant to 10 CFR Part 205, Subpart V. *Mountain Fuel Supply Co.*, 14 DOE ¶ _____, No. KEF-0025 (September 1, 1986) (*Mountain Fuel*). As in non-crude oil cases, applicants will be required to document their purchase volumes and to prove that they were injured by the alleged violations (i.e., that they did not pass on alleged overcharges to their own customers). The standards for showing injury which the OHA has developed in analyzing non-crude oil claims will also apply to claims based on alleged crude oil violations. *See, e.g., Dorchester Gas Corp.*, 14 DOE ¶ 85,240 (1986). We recently approved a claim from a Subpart V crude oil refund pool in *Greater Richmond Transit Co.*, 15 DOE ¶ _____, No. RF272-1 (October 10, 1986). Refunds to eligible claimants who purchased refined petroleum products will be calculated on the basis of a volumetric refund amount derived by dividing the Gulf crude oil refund pool, $104,050,661, by the total consumption of petroleum products in the United States during the period of price controls (2,020,997,335,000 gallons). *Mountain Fuel*, slip op. at 3. The volumetric amount for the crude oil pool established in this proceeding is therefore $0.000051 per gallon of refined product purchased. Claims for refund from the Gulf crude oil pool may include purchases of both Gulf and non-Gulf products.

We propose that upon issuance of a final Order in the Gulf proceeding, the remaining 80 percent of the funds—$83,240,529—be immediately disbursed to the state and federal governments for indirect restitution. We propose to direct the DOE's Office of the Controller to segregate this amount and distribute $20,810,132 plus appropriate interest to the States and $62,430,397 plus appropriate interest to the federal government.[1]

II. Proposed Refund Procedures for Refined Product Refund Claims

With regard to the remainder of the Gulf settlement fund, $42,499,566, we propose to implement a two-stage refund proceeding in which purchasers of Gulf refined petroleum products will be afforded an opportunity to submit refund applications during the initial stage. From our experience with Subpart V proceedings, we believe that potential claimants will fall into the following categories: (1) End-users, i.e., consumers who used Gulf refined products; (2) regulated non-petroleum industry entities which used Gulf products in their businesses, or cooperatives which purchased Gulf products in their businesses; and (3) refiners, resellers or retailers who resold Gulf refined products.

In establishing the procedures which will govern the Gulf Special Refund Proceeding, we are adopting certain presumptions which will permit claimants to participate in the refund process without incurring inordinate expense and enable OHA to consider refund applications in the most efficient manner possible.[2] *American Pacific International*, 14 DOE ¶ 85,158 (1986) (hereinafter cited as *API*). First, we will adopt a presumption that the alleged overcharges were dispersed equally in all sales of refined products made by Gulf during the consent order period and that refunds should therefore be made on a pro rata or volumetric basis. In the absence of better information, a volumetric refund assumption is sound because the DOE price regulations generally required a regulated firm to account for increased costs on a firm-wide basis in determining its prices.

Under the volumetric refund approach we are adopting, a claimant will be eligible to receive a refund equal to the number of gallons purchased times the per gallon refund amount, plus accrued interest. In the present case, we have set the per gallon refund amount at $.00064 per gallon. We derived this figure by dividing the consent order funds available for distribution to non-crude oil claimants (42,499,566) by the approximate number of gallons of covered products other than crude oil which we believe that Gulf sold from August 1973 through the date of decontrol of the relevant product (66,387,563,569). However, we also recognize that some claimants may have been disproportionately overcharged. Therefore, any purchaser may file a refund application based on a claim that it suffered a disproportionate share of the alleged overcharges. *See Sid Richardson Carbon and Gasoline Co.*, 12 DOE ¶ 85,054 at 88,164 (1984).

We also propose to adopt a number of presumptions concerning injury. These presumptions will excuse certain categories of refund applicants from proving that they were injured by Gulf's alleged overcharges, thus simplifying the refund process for these applicants. We will discuss these presumptions and the showing which each type of applicant must make in Section II(A) below.

(A) Specific Application Requirements for Each Category of Refund Applicants

(1) Refund applications of end-users. We propose to adopt a finding that end-users and ultimate consumers whose businesses are unrelated to the petroleum industry were injured by Gulf's alleged refined product overcharges. Unlike regulated firms in the petroleum industry, end-users generally were not subject to price controls during the consent order period and were not required to keep records which justified selling price increases by reference to cost increases. For these reasons, an analysis of the impact of the alleged overcharges on the final prices on non-petroleum goods and services would be beyond the scope of a special refund proceeding. *See Texas Oil & Gas Corp.*, 12 DOE ¶ 85,069 at 88,209 (1984). We propose, therefore, that end-users of Gulf products need only establish that they were ultimate consumers of a specific amount of Gulf products to make a sufficient showing that they were injured by the alleged overcharges.

(2) Refund applications of cooperatives and regulated firms. We also will not require firms whose prices for goods and services are regulated by a government agency or by the terms of

[1] Overall, pursuant to the Settlement Agreement, half of the funds not reserved for direct restitution are to be disbursed to the states and the other half to the federal government. However, in this case the actual distribution will reflect a ratio of 25 percent to the state governments and 75 percent to the federal government. Under the terms of the Settlement Agreement, the states received an advance of $200 million from funds which would otherwise have been disbursed to the DOE. In order to reimburse the DOE for this advance, the Settlement Agreement provides that for amounts which the OHA transfers to the state and federal governments in excess of $100 million, the DOE shall receive 75 percent and the states shall receive 25 percent. *Settlement Agreement*, Paragraph II.B.3.c.ii. This arrangement shall continue until the OHA has distributed $400 million under the 75/25 arrangement.

[2] The Subpart V regulations specifically authorize the use of presumptions in special refund proceedings. *See 10 CFR Part 205, Subpart V.*

a cooperative agreement to demonstrate injury as a result of alleged overcharges on refined product. Although such firms, e.g., public utilities and agricultural cooperatives, generally would have passed overcharges through to their customers, they generally would pass through any refunds as well. Therefore, we will require such applicants to certify that they will pass any refund received through to their customers, to provide us with a full explanation of how they plan to accomplish this restitution, and to explain how they will notify the appropriate regulatory body or membership group of their receipt of the refund money. *See Officer of Special Counsel,* 9 DOE ¶ 82,538 at 85,203 (1982). We note, however, that a cooperative's sales of Gulf products to nonmembers will be treated in the same manner as sales by other resellers.

(3) Refund applications of resellers, retailers and refiners—a. Refiners, resellers and retailers seeking refunds of $5,000 or less. We propose to adopt a presumption, as we have in many previous cases, that purchasers seeking small refunds were injured by Gulf's pricing practices. *See, e.g., Uban Oil Co.,* 9 DOE ¶ 82,541 at 85,224–25 (1982). The cost to the applicant of gathering evidence of injury to support a small refund claim could exceed the expected refund. Consequently, without simplified procedures, some injured parties would be denied an opportunity to obtain a refund. Under the small-claims presumption, a claimant seeking total refunds of $5,000 or less will not be required to submit any evidence of injury beyond establishing the volume of Gulf products it purchased during the settlement period. *See Texas Oil & Gas Corp.,* 12 DOE ¶ 85,069 at 88,210 (1984).

b. Refiners, resellers and retailers seeking larger refunds. We have tentatively adopted a further presumption for a refiner, reseller or retailer applicant whose claim, if granted, would result in a total refund greater than $5,000, but less than $50,000, excluding interest (medium range claimant). Based on our review of prior cases, we believe that it is a reasonable presumption that firms that sold Gulf refined products were likely to have experienced some injury as a result of the alleged overcharges. *E.g., Mobile Oil Corp.,* 13 DOE ¶ 85,339 (1985) (*Mobil*); *Amoco,* 10 DOE ¶ 85,048 (1982). In *Mobil,* for example, we found that wholesalers of motor gasoline generally absorbed alleged overcharges in 35 to 45 percent of their sales of Mobile product, and that retailers absorbed alleged overcharges in approximately 20 to 30 percent of their Mobile sales. *Id.* at 88,853. In *Amoco,* we determined that motor gasoline wholesalers absorbed 34 percent of alleged Amoco overcharges and that retailers absorbed 40 percent of the alleged overcharges. *Id.* at 88,212. Amoco middle distillate resellers were found to have been injured in 38 percent of their Amoco sales. *Id.* at 88,216. In a more recent case, we tentatively adopted a 41 percent injury presumption for motor gasoline retailers and wholesalers claiming a refund greater than $5,000. *Atlantic Richfield Co.,* 6 Fed. Energy Guidelines ¶ 90,062, No. HEF–0591 (July 26, 1986) (proposed decision) (*ARCO*). *See also Marathon Petroleum Co.,* 14 DOE ¶ 85,269 (1986) (35 percent injury presumption for any claimants whose refund, if granted, would amount to more than $5,000 but less than $50,000). These percentage figures were derived in part by referring to national average price data. We know of no pecularities with respect to Gulf's pricing of product that would lead us to conclude that the presumption of injury percentages concerning product resellers used in *ARCO, Marathon, Amoco,* and *Mobil* cannot reasonably be applied to the present Gulf proceeding. Accordingly, we shall refer to these figures to arrive at an appropriate presumption of injury level for medium range Gulf claimants. The injury percentages in these cases range between 20 and 45 percent. *Marathon,* 14 DOE at 88,515; *ARCO,* 6 Fed. Energy Guidelines at 90,139; *Mobil,* 13 DOE at 88,853; *Amoco,* 10 DOE at 88,222–23. Based on this data, we shall adopt a 40 percent injury presumption in the present proceeding. We believe that this presumption represents a reasonable injury level for medium range claimants. Accordingly, any medium range claimant may elect to receive a refund based on 40 percent of its total allocable or volumetric share. In order to receive a refund based on this 40 percent presumption, an applicant will be required to substantiate the volume of product it purchased from Gulf, but will not be required to provide a separate demonstration of injury. However, any medium range claimant may elect not to receive a refund based on this presumption and may, instead, prove the extent of its injury using the criteria set forth below for large refund claimants.

A large refund applicant in this general "reseller-refiner" category, one whose total claims, if granted, would result in a refund of $50,000 or more excluding interest, will be required to provide a detailed showing of injury. In order to show that it did not pass along the alleged overcharges to its own customers, it will be required to demonstrate that it maintained a bank of unrecovered product costs at least equal to the amount of the refund claimed beginning with the first month of the period for which a refund is claimed through the date on which that product was decontrolled. In addition, a claimant must specifically show that it was not able to pass through those increased costs. Such a showing might be made though a demonstration of lowered profit margins, decreased market share, or depressed sales volume during the period of purchases from Gulf. *API,* 14 DOE at 88,295.[3]

(4) Applicants seeking refunds based on allocation claims. We also recognize that we may receive claims alleging Gulf allocation violations. Such claims are based on the consent order firm's alleged failure to furnish petroleum products that it was obliged to supply to the claimant under the DOE allocation regulations. *See* 10 CFR Part 211. We will evaluate refund applications based on allocation claims by referring to standards such as those set forth in *OKC Corp./Town & Country Markets, Inc.,* 12 DOE ¶ 85,094 (1984), and *Aztex Energy Co.,* 12 DOE ¶ 85,116 (1984).

(B) General Refund Application Requirements

In addition to the specific requirements outlined above, all applications for refund must be in writing and signed by the applicant. An application must make reference to the Gulf Petroleum Company Special Refund Proceeding (Case No. HEF–0590). Each applicant must submit a monthly purchase schedule for Gulf refined petroleum products during the period in which the relevant product was controlled. If an applicant purchased Gulf refined petroleum products from a reseller, it must establish its basis for belief that the products originated with Gulf and identify the reseller from whom the product was purchased.

[3] We are aware that another special refund proceeding involving a Gulf consent order fund is currently under way before the Office of Hearings and Appeals (Case No. HFX–0101). See *Gulf Oil Corp.,* 12 DOE ¶ 85,048 (1985). Applicants submitting bank information in this proceeding shall reduce the levels of those banks by any refund received in a prior DOE proceeding, including Case No. HFX–0101. Refund recipients shall also reduce banks submitted in any future refund proceeding by the amount received in the present Gulf proceeding, as well as by amounts received in other DOE refund proceedings. Further, we expect to use the information that we obtained in Case No. HFX–0101 to verify and corroborate applications that may be submitted in the present proceeding, as well as to notify interested parties of our final Decision and Order.

If a claimant made only sporadic purchases of significant volumes of Gulf product, we consider that claimant to be a spot purchaser. We will establish a rebuttable presumption that claimants who made only spot purchases from Gulf were not injured. Spot purchasers tend to have considerable discretion in where and when to make purchases and generally would not have made spot market purchases from Gulf at increased prices unless they were able to pass through the full amount of the selling price to their own customers. *See Office of Enforcement*, 8 DOE ¶ 82,597 (1981). Therefore, a firm which made only spot purchases from Gulf will not receive a refund unless it presents evidence rebutting the spot purchaser presumption and establishing the extent to which it was injured as a result of its spot purchases from Gulf.

We will also establish a minimum amount of $15.00 for first stage refund claims. We have found through our experience in prior refund cases that the cost of processing claims in which refunds of less than $15.00 are sought outweighs the modest benefits of restitution in those situations. *See, e.g., Uban Oil Co.*, 9 DOE ¶ 82,541 at 85,222 (1982). Successful appliants will also receive a pro rata share of the interest accrued on the Gulf escrow fund.

In the Appendix to this decision, we have set forth a suggested form for applications filed by gasoline retailer claimants and one for other applicants. Gasoline retailer applicants using the suggested form must file a separate form for *each gasoline station* for which a refund is requested. All other applicants using the suggested form must file a separate form for *each product* for which a refund is requested. We will accept all applications that contain the information necessary to process a claim, whether or not the suggested form is used. We request comments and questions with respect to these proposed forms during the 30 day comment period.

Applications for Refund should not be filed at this time. Detailed procedures for filing Applications for Refund will be provided in a final Decision and Order. Before distributing any portion of the consent order fund, we intend to publicize the distribution process, to solicit comments on the proposed refund procedures and to provide an opportunity for any affected party to file a claim. Comments regarding the tentative distribution process set forth in this Proposed Order should be filed with the Office of Hearings and Appeals within 30 days of publication of this Proposed Order in the **Federal Register.**

(C) Distribution of the Remainder of the Consent Order Funds Attributable to Gulf's Refined Product Sales

In the event that money remains after all first stage claims have been disposed of, undistributed funds attributable to Gulf's alleged refined product violations could be distributed in a number of different ways. For example, the funds may be distributed through plans formulated by state governments to benefit consumers who were likely injured by Gulf's alleged overcharges. *See, e.g., Northeast Petroleum Industries*, 11 DOE ¶ 85,199 (1983). However, we will not be in a position to decide what should be done with any remaining funds until the first stage refund procedure is completed. We encourage the submission of comments containing proposals for alternative distribution schemes.

It is therefore ordered that:

The refund amount remitted to the Department of Energy by Gulf Oil Corporation pursuant to the consent order made final on June 14, 1985, will be distributed in accordance with the foregoing Decision.

BILLING CODE 6450-01-M

Appendix

GAS STATION FORM

GAS STATION FORM

DOE Use Only

GAS STATION FORM

GAS STATION FORM

GAS STATION FILING FOR MOTOR GASOLINE
Suggested Format for
Application for Gulf Refund--HEF-0590

(Separate Application for Each Gas Station Please)

1. Name of Gas Station: _____

   Street address of gas station during refund period: _____

2. To whom should refund check be made out? _____

   Address to which check should be sent: _____

   Contact Person: _____

   Telephone: (____) _____

3. Total gallonage for which refund is requested (from page 3): _____

4. Was the product you bought Gulf-branded? ____ Yes ____ No

5. Were you supplied by Gulf directly? ____ Yes ____ No

6. Immediate supplier(s) during refund period name(s): _____

   Address: _____

   Telephone: (____) _____

7. If the total refund requested by the firm and all affiliated entities for all products exceeds $5,000 and you are not electing the 40% presumption of injury method, attach information on banks of unrecovered product costs as well as the required injury showing. (See Decision for injury showing requirements.)

8. Have you been a party or are you currently a party in a DOE enforcement action or private Section 210 action? If yes, please attach an explanation.

   ____ Yes ____ No

9. Have you or a related firm filed any other application for refund involving any Gulf product? If yes, attach an explanation.

   ____ Yes ____ No

10. Have you or a related firm authorized any individual(s) other than those identified on this form to file an application on your behalf? If yes, attach an explanation.

    ____ Yes ____ No

I swear (or affirm) that the information contained in this application and its attachments is true and correct to the best of my knowledge and belief. I understand that anyone who is convicted of providing false information to the federal government may be subject to a jail sentence, a fine, or both, pursuant to 18 U.S.C. § 1001. I understand that the information contained in this application is subject to public disclosure. I have enclosed a duplicate of this entire application form which will be placed in the OHA Public Reference Room.

_____ Date

_____ Signature of Applicant

_____ Title

DOE Use Only

Suggested Format for
Application for Gulf Refund--HEF-0590

(Separate Application for Each Product Please)

1. Name of Applicant during refund period: _____

   Address during refund period: _____

2. To whom should refund check be made out? _____

   Address to which check should be sent: _____

   Contact Person: _____

   Telephone: (____) _____

3. (a). Total gallonage for which refund is requested (from page 3): _____

   (b). Product (e.g., diesel, propane): _____

4. Was the product you bought Gulf-branded? ____ Yes ____ No

5. Were you supplied by Gulf directly? ____ Yes ____ No

   If yes, please provide Gulf customer number here _____.
   If no to Items 4 and 5, attach an explanation of why you believe the product was sold by Gulf.

6. Did your firm resell the product? ____ Yes ____ No

   If no, describe the nature of your business. _____.

   If yes, and total refund requested by the firm and all affiliated entities for all Gulf products exceeds $5,000 and you are not electing the 40% presumption of injury method, attach information on banks of unrecovered product costs as well as the required injury showing. (See Decision for injury showing requirements.)

GAS STATION FORM

KEF-0590

Name of Applicant: _____

MONTHLY PURCHASE VOLUMES OF MOTOR GASOLINE

	1973	1974	1975	1976	1977	1978	1979	1980	1981
January	*******								
February	*******								*******
March									*******
April									*******
May									*******
June									*******
July									*******
August									*******
September									*******
October									*******
November									*******
December									*******
Yearly Total									

GRAND TOTAL FOR THIS GAS STATION: _____ GALLONS ($.00064 per gallon)
Claims for less than $15.00 will not be processed (23,438 gallons total purchases).

7. Immediate supplier(s) during refund period name(s): _____

Address: _____

_____

_____

Telephone: (_____) _____

8. Have you been a party or are you currently a party in a DOE enforcement action or private Section 210 action? If yes, please attach an explanation. (See Decision for specific details.)

_____ Yes _____ No

9. Have you or a related firm filed any other application for refund involving any Gulf product? If yes, attach an explanation.

_____ Yes _____ No

10. Have you or a related firm authorized any individual(s) other than those identified on this form to file an application on your behalf? If yes, attach an explanation.

_____ Yes _____ No

11. Were you a consignee agent? (A consignee agent distributed products for Gulf, but did not own them. Gulf specified the price and gave the agent a commission.)

_____ Yes _____ No

I swear (or affirm) that the information contained in this application and its attachments is true and correct to the best of my knowledge and belief. I understand that anyone who is convicted of providing false information to the federal government may be subject to a jail sentence, a fine, or both, pursuant to 18 U.S.C. § 1001. I understand that the information contained in this application is subject to public disclosure. I have enclosed a duplicate of this entire application form which will be placed in the OHA Public Reference Room.

_____ Date

_____ Signature of Applicant

_____ Title

HEF-0590

Name of Applicant: _____

MONTHLY PURCHASE VOLUMES OF _____ (PRODUCT)

	1973	1974	1975	1976	1977	1978	1979	1980	1981
January	*******								
February	*******								
March									
April									
May									
June									
July									
August									
September									
October									
November									
December									
Yearly Total									

GRAND TOTAL FOR THIS PRODUCT: _____ GALLONS ($.00064 per gallon)
Claims for less than $15.00 will not be processed (23,438 gallons total purchases).

Do not include any purchases of product after that product's date of decontrol.

Product	Date Decontrolled
Butane and Natural Gasoline	January 1, 1980
Aviation Gas and Jet Fuel	February 26, 1979
Naptha-Based Jet Fuel	October 1, 1976
Naphthas	September 1, 1976
Middle Distillates	July 1, 1976
Residual Fuel	June 1, 1976
Ethane and Asphalt	April 1, 1974

[FR Doc. 86-23812 Filed 10-21-86; 8:45 am]
BILLING CODE 6450-01-C

Energy Information Administration

Publication of Alternative Fuel Price Ceilings and Incremental Price Threshold for High Cost Natural Gas

The Natural Gas Policy Act of 1978 (NGPA) (Pub. L. 95–621) signed into law on November 9, 1978, mandated a new framework for the regulation of most facets of the natural gas industry. In general, under Title II of the NGPA, interstate natural gas pipeline companies are required to pass through certain portions of their acquisition costs for natural gas to industrial users in the form of a surcharge. The statute requires that the ultimate costs of gas to the industrial facility should not exceed the cost of the fuel oil which the facility could use as an alternative.

Pursuant to Title II of the NGPA, section 204(e), the Energy Information Administration (EIA) herewith publishes for the Federal Energy Regulatory Commission (FERC) computed natural gas ceiling prices and the high cost gas incremental pricing threshold which are to be effective November 1, 1986. These prices are based on the prices of alternative fuels.

FOR FURTHER INFORMATION CONTACT: Leroy Brown, Jr., Department of Energy, Energy Information Administation, 1000 Independence Avenue, SW., Room BE–034, Washington, DC 20585, Telephone: (202) 252–6077.

Section I

As required by FERC Order No 50, computed prices are shown for the 48 contiguous States. The District of Columbia's ceiling is included with the ceiling for the State of Maryland. FERC, by an Interim Rule issued on April 2, 1981, in Docket No. RM79–21, revised the methodology for calculating the monthly alternative fuel price ceilings for State regions. Under the revised methodology, the applicable alternative fuel price ceiling published for each of the contiguous States shall be the lower of the alternative fuel price ceiling for the State or the alternative fuel price ceiling for the multistate region in which the State is located.

The price ceiling is expressed in dollars per million British Thermal Units (BTU's). The method used to determine the price ceilings is described in Section III.

State	$ Per million BTU's
Alabama [1]	1.66
Arizona [1]	1.25
Arkansas	1.77
California [1]	1.25
Colorado [2]	1.39
Connecticut [1]	1.54
Delaware [1]	1.78
Florida	1.44
Georgia	1.64
Idaho [2]	1.39
Illinois	1.40
Indiana [1]	1.62
Iowa	1.75
Kansas	1.66
Kentucky	1.62
Louisiana [1]	1.79
Maine [1]	1.54
Maryland [1]	1.78
Massachusetts	1.49
Michigan [1]	1.62
Minnesota [1]	1.91
Mississippi [1]	1.66
Missouri	1.62
Montana [2]	1.39
Nebraska [1]	1.91
Nevada [1]	1.25
New Hampshire [1]	1.54
New Jersey	1.57
New Mexico [1]	1.79
New York [1]	1.78
North Carolina [1]	1.66
North Dakota [1]	1.91
Ohio	1.37
Oklahoma [1]	1.79
Oregon [1]	1.25
Pennsylvania	1.58
Rhode Island [1]	1.54
South Carolina [1]	1.66
South Dakota [1]	1.91
Tennessee [1]	1.66
Texas [1]	1.79
Utah [2]	1.39
Vermont [1]	1.54
Virginia	1.63
Washington	1.22
West Virginia	1.62
Wisconsin [1]	1.62
Wyoming [2]	1.39

[1] Region Based price as required by FERC Interim Rule, issued on April 2, 1981, in Docket No. RM–79–21.
[2] Region Based price computed as the weighted average price of Regions E, F, G, and H.

Section II Incremental Pricing Threshold for High Cost Natural Gas

The EIA has determined that the volume-weighted average price for No. 2 distillate fuel oil landed in the greater New York City Metropolitan area during August 1986 was $14.44 per barrel. The EIA has implemented a procedure to partially compensate for the two-month lag between the end of the month for which data are collected and the beginning of the month for which the incremental pricing threshold becomes effective. The prices found in *Platt's Oilgram Price Report* are given for each trading day in the form of high and low prices for No. 2 fuel oil in Metropolitan New York and Northern New Jersey. A lag adjustment factor was calculated using the average of the low posted price for these two areas for the ten trading days ending October 15, 1986, and dividing that price by the corresponding average price computed from prices published by Platt's for the month of August 1986. This lag adjustment factor was applied to the August price yielding $14.80 per barrel. In order to establish the incremental pricing threshold for high cost natural gas, as identified in the NGPA, Title II, section 203(a)(7), this price was multiplied by 1.3 and converted to its equivalent in millions of BTU's by dividing by 5.8. Therefore, the incremental pricing threshold for high cost natural gas, effective November 1, 1986, is $3.32 per million BTU's.

Section III Method Used to Compute Price Ceilings

The FERC, by Order No. 50, issued on September 29, 1979, in Docket No. RM 79–21, established the basis for determining the price ceilings required by the NGPA. FERC also, by Order No. 167, issued in Docket No. RM81–27 on July 24, 1981, made permanent the rule that established that only the price paid for No. 6 high sulfur content residual fuel oil would be used to determine the price ceilings. In addition, the FERC, by Order No. 181, issued on November 6, 1981, in Docket No. RM81–28, established that price ceilings should be published for only the 48 contiguous States on a permanent basis.

A. Data Collected

The following data were required from all companies identified by the EIA as sellers of No. 6 high sulfur content (greater than 1 percent sulfur content by weight) residual fuel oil: For each selling price, the number of gallons sold to large industrial users in the months of June 1986, July 1986, and August 1986.[3] All reports of volume sold and price were identified by the State into which the oil was sold.

B. Method Used to Determine Alternative Price Ceilings

(1) Calculation of Volume-Weighted Average Price

The prices which will become effective November 1, 1986 (shown in Section I), are based on the reported price of No. 6 high sulfur content residual fuel oil, for each of the 48 contiguous States, for each of the 3 months, June 1986, July 1986, and August 1986. Reported prices for sales in June 1986 were adjusted by the percent change in the nationwide volume-weighted average price from June 1986 to August 1986. Prices for July 1986 were similarly adjusted by the percent change in the nationwide volume-weighted average price from July 1986 to August 1986. The volume-weighted 3-month average of the adjusted June 1986 and

[3] Large Industrial User—A person/firm which purchases No. 6 fuel oil in quantities of 4,000 gallons or greater for consumption in a business, including the space heating of the business premises. Electric utilities, governmental bodies (Federal, State, or Local), and military are excluded.

July 1986, and the reported August 1986 prices were computed for each State.

(2) Adjustment for Price Variation

States were grouped into the regions identified by the FERC (see Section III.C.). Using the adjusted prices and associated volumes reported in a region during the 3-month period, the volume-weighted standard deviation of prices was calculated for each region. The volume-weighted 3-month average price (as calculated in Section III.B.(1) above) for each State was adjusted downward by two times this standard deviation for the region to form the adjusted weighted average price for the State.

(3) Calculation of Ceiling Price

The lowest selling price within the State was determined for each month of the 3-month period (after adjusting up or down by the percent change in oil prices at the national level as discussed in Section III.B(1) above). The products of the adjusted low price for each month times the State's total reported sales volume for each month were summed over the 3-month period for each State and divided by the State's total sales volume during the 3 months to determine the State's average low price. The adjusted weighted average price (as calculated in Section III.B.(2)) was compared to this average low price, and the higher of the values was selected as the base for determining the alternative fuel price ceiling for each State. For those States which had no reported sales during one or more months of the 3-month period, the appropriate regional volume-weighted alternative fuel price was computed and used in combination with the available State data to calculate the State alternative fuel price ceiling base. The State's alternative fuel price ceiling base was compared to the alternative fuel price ceiling base for the multistate region in which the State is located and the lower of these two prices was selected as the final alternative fuel price ceiling base for the State. The appropriate lag adjustment factor (as discussed in Section III.B.4) was then applied to the alternative fuel price ceiling base. The alternative fuel price (expressed in dollars per gallon) was multiplied by 42 and divided by 6.3 to estimate the alternative fuel price ceiling for the State (expressed in dollars per million BTU's).

There were insufficient sales reported in Region G for the months of June 1986, and August 1986. The alternative fuel price ceilings for the States in Region G were determined by calculating the volume-weighted average price ceilings for Region E, Region F, Region G, and Region H.

(4) Lag Adjustment

The EIA has implemented a procedure to partially compensate for the two-month lag between the end of the month for which data are collected and the beginning of the month for which ceiling prices become effective. It was determined that *Platt's Oilgram Price Report* publication provides timely information relative to the subject. The prices found in *Platt's Oilgram Price Report* publication are given for each trading day in the form of high and low prices for No. 6 residual oil in 20 cities throughout the United States. The low posted prices for No. 6 residual oil in these cities were used to calculate a national and a regional lag adjustment factor. The national lag adjustment factor was obtained by calculating a weighted average price for No. 6 high sulfur residual fuel oil for the ten trading days ending October 15, 1986, and dividing that price by the corresponding weighted average price computed from prices published by Platt's for the month of August 1986. A regional lag adjustment factor was similarly calculated for four regions. These are: One for FERC Regions A and B combined; one for FERC Region C; one for FERC Regions D, E, and G combined; and one for FERC Regions F and H combined. The lower of the national or regional lag factor was then applied to the alternative fuel price ceiling for each State in a given region as calculated in Section III.B.(3).

Listing of States by Region

States were grouped by the FERC to form eight distinct regions as follows:

Region A	*Region B*
Connecticut	Delaware
Maine	Maryland
Massachusetts	New Jersey
New Hampshire	New York
Rhode Island	Pennsylvania
Vermont	
Region C	*Region D*
Alabama	Illinois
Florida	Indiana
Georgia	Kentucky
Mississippi	Michigan
North Carolina	Ohio
South Carolina	West Virginia
Tennessee	Wisconsin
Virginia	
Region E	*Region F*
Iowa	Arkansas
Kansas	Louisiana
Missouri	New Mexico
Minnesota	Oklahoma
Nebraska	Texas
North Dakota	
South Dakota	
Region G	*Region H*
Colorado	Arizona
Idaho	California
Montana	Nevada
Utah	Oregon
Wyoming	Washington

Issued in Washington, DC, October 20, 1986.

L. A. Pettis,

Deputy Administrator, Energy Information Administration.

[FR Doc. 86-24012 Filed 10-21-86; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPP-36129; FRL-3095.8]

Pesticide Registration Standards; Availability for Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability of proposed standards for comment.

SUMMARY: This notice announces the availability of certain proposed pesticide Registration Standard documents for comment. The Agency has completed a review of each listed pesticide and is making available a document describing its regulatory conclusions and actions.

DATE: Written coments on each Registration Standard should be submitted on or before December 22, 1986.

ADDRESSED: Three copies of comments identified with the docket number listed with each Registration Standard should be submitted to:

By Mail: Information Services Section, Program Management and Support Division (TS-757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

In person, deliver comments to: Rm. 236, CM#2, 1921 Jefferson Davis Highway, Arlington, VA.

Information submitted as a comment in response to this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public docket. Information not marked confidential will be included in the public docket without prior notice. The public docket and indices to the public dockets are available for public inspection in Rm. 236 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: To request a copy of a Registration

Standard, to request information concerning the public dockets, or to request indices to the public dockets, contact Frances Mann of the Information Services Section, in Rm. 236 at the address given above (703–557–2805). Requests should be submitted no later than November 21, 1986 to allow sufficient time for receipt before the close of the comment period.

For technical questions related to each Registration Standard, contact the Product Manager listed for that Standard, at the phone number given.

SUPPLEMENTARY INFORMATION: The Environmental Protection Agency conducts a systematic review of pesticides to determine whether they meet the criteria for continued registration under section 3(c)(5) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). That review culminates in the issuance of a Registration Standard, a document describing the Agency's regulatory conclusions and positions on the continued registrability of the pesticide. In accordance with 40 CFR 155.34(c), published in the **Federal Register** of November 27, 1985 (50 FR 48998), before issuing certain Registration Standards, the Agency makes the proposed document available for public comment.

Proposed Registration Standards for the following pesticides are now available:

Name of pesticide	Docket No.	Contact person
Trifluratin	1582-09-8	Robert Taylor, Product Manager 25 (703-557-1800).
Bacillus thuringiensis.	006403	Arturo Castillo, Acting Product Manager 17 (703-557-2690).
Group II copper compounds.	20427-59-2	Henry Jacoby, Product Manager 21 (703-557-1900).
Metolachlor	51218-45-2	Richard Mountfort, Product Manager 23 (703-557-1830).
Thiophanate-methyl.	23564-25-08	Henry Jacoby, Product Manager 21 (703-557-1900).

Copies of each Registration Standard may be obtained from the Agency at the address listed under **FOR FURTHER INFORMATION CONTACT.** Because of the length of each Standard and the limited number of copies available for distribution, only one copy can be provided by mail to any one individual or organization. Each Registration Standard is also available for inspection and copying in EPA Regional Offices at the addresses listed below after November 21, 1986.

List of EPA Regional Offices

Pesticides Branch, EPA—Region I, JFK Federal Building, Boston, MA 02203, Contact person: Andrew Triolo
Pesticides Branch, EPA—Region IL, Woodbridge Avenue, Edison, NJ 08837, Contact person: Dave Andreassen
EPA—Region III, Curtis Building, 6th and Walnut Sts., Philadelphia, PA 19106, Contact person: John Smith
Pesticide and Toxic Substances Branch, EPA—Region IV, 345 Courtland St., NE., Atlanta, GA 30365, Contact person: Kent Williams
Toxic Materials Branch, EPA—Region V, 230 South Dearborn St., Chicago, IL 60604, Contact person: Lavarre Uhlken
Pesticide and Toxic Substances Branch, EPA—Region VI, 1201 Elm St., Dallas, TX 75270, Contact person: Norman Dyer
Pesticide and Toxic Substances Branch, EPA—Region VII 324 East 11th St., Kansas City, MO 64106, Contact person: Leo Alderman
Toxic Substances Branch, EPA—Region VIII, 1860 Lincoln St., Suite 900, Denver, CO 80295, Contact person: Dean Gillam
Hazardous Materials Branch, EPA—Region IX, 215 Fremont St., San Francisco, CA 94105, Contact person: Laurie Perrot
Air and Water Division, EPA—Region X, 1200 6th Ave., Seattle, WA 98101, Contact person: Chuck Shenk

Dated: October 8, 1986.

Susan H. Wayland,

Acting Director, Office of Pesticide Programs.

[FR Doc. 86–23358 Filed 10–21–86; 8:45 am]

BILLING CODE 6560-50-M

[PF–454; FRL–3097–7]

Pesticide Tolerance Petition

AGENCY: Office of Pesticides and Toxic Substances, Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received a pesticide petition relating to the establishment of tolerances for residues of inorganic bromide in or on certain commodities from soil fumigation with the insecticide methyl bromide.

ADDRESS: By mail, submit comments identified by the document control number [PF–454] and the petition number, attention Product Manager (PM–32), at the following address: Information Services Section (TS–757C), Program Management and Support Division, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.
In person, bring comments to:
Information Services Section (TS–757C), Environmental Protection Agency, Rm. 236, CM#2, 1921 Jefferson Davis Highway, Arlington, VA.

Information submitted as a comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments filed in response to this notice will be available for public inspection in the Information Services Section office at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT:

By mail: Jeff Kempter, (Acting PM–32), Registration Division (TS–767C), Environmental Protection Agency, Office of Pesticide Programs, 401 M St., SW., Washington, DC 20460.
Office location and telephone number: Rm. 711, CM#2, 1921 Jefferson Davis Hwy., Arlington, VA, (703–557–3964).

SUPPLEMENTARY INFORMATION: EPA has received pesticide petition (PP) 5F3198 from the Methyl Bromide Industry Panel, P.O. Box 2200, Highway 52, NW. West Lafayette, IN 47906, proposing to amend 40 CFR Part 180 by establishing tolerances for the residues of inorganic bromide in or on certain commodities from soil fumigation with the insecticide methyl bromide as follows:

Crop group commodities	Parts per million (ppm)
Brassica (cole) leafy vegetables (except mustard)	100.0
Cucurbit vegetables (except watermelons)	250.0
Herbs and spices (green)	100.0

Individual commodities	PPM
Beans (dry)	50.0
Beans (succulent)	25.0
Celery	50.0
Potato	125.0
Raspberries	25.0
Southern peas (succulent)	25.0
Watermelon	100.0

The proposed analytical method for determining residues is neutron activation analysis.

(Authority: 21 U.S.C. 346a.)

Dated: October 10, 1986.

James W. Akerman,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 86-23636 Filed 10-21-86; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

[Gen. Docket No. 86-336]

Inquiry Into the Scrambling of Satellite Television Signals and Access to Those Signals

AGENCY: Federal Communications Commission.

ACTION: *Notice of Inquiry;* extension of deadlines for comments and reply comments.

SUMMARY: Acting under delegated authority, the Chief, Office of Plans and Policy has issued an *Order* extending the comment and reply comment deadlines for the *Notice of Inquiry* in General Docket No. 86-336, concerning the scrambling of satellite TV signals, 51 FR 30267 (August 25, 1986). This action is in response to an extension request from A.S.T.R.O., the Association of Satellite Television Receiver Owners.

DATES: Comment deadline extended to October 17 , 1986 and reply comment deadline extended to November 3, 1986.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Jonathan D. Levy, Office of Plans and Policy, (202) 653-5940.

Federal Communications Commission.

Peter K. Pitsch,

Chief, Office of Plans and Policy.

[FR Doc. 86-23804 Filed 10-21-86; 8:45 am]

BILLING CODE 6712-01-M

Public Information Collection Requirements Submitted to Office Management and Budget for Review

October 15, 1986.

The Federal Communications Commission has submitted the following information collection requirements to the Office of Management and Budget for review and clearance under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq.

Copies of the submissions may be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suit 140, Washington, DC 20037. For further information on these submissions contact Jerry Cowden, Federal Communications Commission, (202) 632-7513. Persons wishing to comment on these information collections should contact J. Timothy Sprehe, Office of Management and Budget, Room 3235 NEOB, Washington, DC 20503, (202) 395-4814.

OMB Number: 3060-0201

Title: Section 87.127, Discontinuance of operation
Action: Extension
Respondents: Radio stations on land in the Aviation Services
Estimated Annual Burden: 24 Responses; 24 Hours

OMB Number: 3060-0265

Title: Section 80.868, Card of instructions
Action: Extension
Respondents: Ships (303-1600 gross tons) with radiotelephone installations
Estimated Annual Burden: 3,000 Recordkeepers; 300 Hours

OMB Number: 3060-0204

Title: Section 90.38(b), Physically handicapped "special eligibility showing"
Action: Extension
Respondents: handicapped persons claiming eligibility in the Special Emergency Radio Service
Estimated Annual Burden: 20 Responses; 7 Hours

OMB Number: 3060-0260

Title: Section 90.238(d), Interim provisions for operation of automatic vehicle monitoring (AVM) systems (supplemental showing required)
Action: Extension
Respondents: Applicants for automatic vehicle monitoring (AVM) systems
Estimated Annual Burden: 50 Responses; 67 Hours

OMB Number: 3060-0223

Title: Section 90.129(b), Supplemental information to be routinely submitted with applications (non type-accepted equipment)
Action: Extension
Respondents: Applicants in the Private Land Mobile Radio Services using non type-accepted equipment
Estimated Annual Burden: 100 Responses; 34 Hours

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 86-23805 Filed 10-21-86; 8:45 am]

BILLING CODE 6712-01-M

[Report No. W-10]

Window Notice for the Filing of FM Broadcast Applications

Released: October 10, 1986.

Notice is hereby given that applications for vacant FM broadcast allotment(s) listed below may be submitted for filing during the period beginning October 10, 1986 and ending November 26, 1986 inclusive. Selection of a permittee from a group of acceptable applicants will be by the Comparative Hearing process.

CHANNEL—294 A

Truman	AR
Grinnell	IA
Mt Vernon	IN
Berea	KY
Cave City	KY
North Fort Polk	LA
Rayne	LA
Babbitt	MN
Mt Vernon	MO
Perryville [1]	MO
Semora	NC
Irondequoit	NY
Churchville	VA
Matewan	WV

[1] Applicants are advised that channel 294A at Perryville, Missouri is subject to change on reconsideration. (See Public Notice dated September 26, 1986; Report No. 1621)

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 86-23806 Filed 10-21-86; 8:45 am]

BILLING CODE 6712-01-M

Applications for Consolidated Hearing; Robin C. Brandt et al.

1. The Commission has before it the following mutually exclusive applications for a new TV station:

Applicant, city, and State	File No.	MM docket No.
A. Robin C. Brandt; Duluth, MN.	BPCT-860430KF	86-393
B. Christopher Gault d/b/a Greater Duluth Broadcasting; Duluth, MN.	BPCT-860606KW	
C. Ann Wilson; Duluth, MN	BPCT-860623KF	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify

whether the issue in question applies to that particular applicant.

Issue Heading and Applicant(s)

Air Hazard, B, C
Comparative, A, B, C
Ultimate, A, B, C

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street, NW., Washington, DC 20037 (Telephone No. (202) 857-3800).

Roy J. Stewart,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 86-23807 Filed 10-21-86; 8:45 am]

BILLING CODE 6712-01-M

Applications for Consolidated Hearing; Pollack Broadcasting Co. et al.

1. The Commission has before it the following mutually exclusive applications for a new TV station:

Applicant, city, and State	File No.	MM docket No.
A. Pollack Broadcasting Co.; Paradise, NV.	BPCT-860403KE	86-394
B. Nevada 39, Inc.; Paradise, NV.	BPCT-860529KG	
C. Wynn Communications, Inc.; Paradise, NV.	BPCT-860530KS	
D. Puamehana, Ltd.; Paradise, NV.	BPCT-860530KT	
E. Nevada Brodcasting Group; Paradise, NV.	BPCT-860530KX	
F. Goldhill Broadcasting, Inc.; Paradise, NV.	BPCT-860530KZ	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading and Applicant(s)

Cross-interest, E
Air Hazard, C, D
Comparative, A, B, C, D, E, F
Ultimate, A, B, C, D, E, F

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street, NW., Washington, DC 20037 (Telephone No. (202) 857-3800).

Roy J. Stewart,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 86-23808 Filed 10-21-86; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Information Collection Submitted to the Office of Management and Budget for Clearance

The Federal Emergency Management Agency (FEMA) has submitted to the Office of Management and Budget the following information collection package for clearance in accordance with the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Type: Extension of Inforamtion Collection 3067-0020

Title: Application for Participation in the National Flood Insurance Program

Abstract: This application will enable FEMA to continue to rapidly process new community applications and to thereby more quickly provide flood insurance protection to the residents of the communities.

Type of Respondents: State or local governments

Number of Respondents: 100

Burden Hours: 400

Copies of the above information collection request and supporting documentation can be obtained by calling or writing the FEMA Clearance Officer, Linda Shiley, (202) 646-2624, 500 C Street SW., Washington, DC 20472.

Comments should be directed to Francine Picoult, (202) 395-7231, Office of Management and Budget, 3235 NEOB, Washington, DC 20503 within two weeks of this notice.

Dated: October 16, 1986.

Wesley C. Moore,

Acting Director, Office of Administrative Support.

[FR Doc. 86-23829 Filed 10-21-86; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-776-DR]

Amendment to Notice of a Major-Disaster Declaration; Illinois

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Illinois (FEMA-776-DR), dated October 7, 1986, and related determinations.

DATED: October 14, 1986.

FOR FURTHER INFORMATION CONTACT: Sewall H.E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3616.

Notice: The notice of a major disaster for the State of Illinois, dated October 7, 1986, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of October 7, 1986:

Calhoun, Jersey, Kane and St. Clair Counties for Individual Assistance.
Adams, Calhoun, Jersey, Lake and St. Clair Counties for Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 86-23830 Filed 10-21-86; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-774-DR]

Amendment to Notice of a Major-Disaster Declaration; Michigan

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Michigan (FEMA-774-DR), dated September 18, 1986, and related determinations.

DATED: October 14, 1986.

FOR FURTHER INFORMATION CONTACT: Sewall H.E. Johnson, Disaster Assistance Programs, Federal

Emergency Management Agency, Washington, DC 20472, (202) 646–3616.

Notice: The notice of a major disaster for the State of Michigan, dated September 18, 1986, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of September 18, 1986:

Macomb County for Individual Assistance.

Arenac County as an adjacent area for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance).

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support, Federeal Emergency Management Agency.

[FR Doc. 86–23831 Filed 10–21–86; 8:45 am]

BILLING CODE 6718–02–M

[FEMA–779–DR]

Notice of Major Disaster and Related Determinations; Missouri

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Missouri (FEMA–779–DR), dated October 14, 1986, and related determinations.

DATED: October 14, 1986.

FOR FURTHER INFORMATION CONTACT: Sewall H.E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3616.

Notice: Notice is hereby given that, in a letter of October 14, 1986, the President declared a major disaster under the authority of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5121 *et seq.*, Pub. L. 93–288), as follows:

I have determined that the damage in certain areas of the State of Missouri resulting from severe storms and flooding beginning on September 18, 1986, is of sufficient severity and magnitude to warrant a major-disaster declaration under Pub. L. 93–288. I therefore declare that such major disaster exists in the State of Missouri.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance in the affected areas. You also are authorized to provide Public Assistance in the affected areas, if requested and necessary, and an acceptable State commitment for these purposes is provided. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under Pub. L. 93–288 for Public Assistance will be limited to 75 percent of total eligible costs in the designated area. Pursuant to section 408(b) of Pub. L. 93–288, you are authorized to advance to the State its 25 percent share of the Individual and Family Grant program, to be repaid to the United States by the State when it is able to do so.

The time period prescribed for implementation of section 313(a), priority to certain applications for public facility and public housing assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Mr. Warren Pugh of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following area of the State of Missouri to have been affected adversely by this declared major disaster and is designated eligible as follows:

St. Charles County for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Julius W. Becton, Jr.,

Director.

[FR Doc. 86–23832 Filed 10–21–86; 8:45 am]

BILLING CODE 6718–02–M

[FEMA–777–DR]

Notice of Major Disaster and Related Determinations; Montana

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Montana (FEMA–777–DR), dated October 14, 1986, and related determinations.

DATED: October 14, 1986.

FOR FURTHER INFORMATION CONTACT: Sewall H.E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472 (202) 646–3616.

Notice: Notice is hereby given that, in a letter of October 14, 1986, the President declared a major disaster under the authority of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5121 *et seq.*, Pub. L. 93–288), as follows:

I have determined that the damage in certain areas of the State of Montana resulting from severe storms and flooding beginning on September 25, 1986, is of sufficient severity and magnitude to warrant a major-disaster declaration under Pub. L. 93–288. I therefore declare that such a major disaster exists in the State of Montana.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance in the affected areas. You also are authorized to provide Public Assistance in the affected areas, if requested and necessary, and an acceptable State commitment for these purposes is provided. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under Pub. L. 93–288 for Public Assistance will be limited to 75 percent to total eligible costs in the designated area.

Pursuant to section 408(b) of Pub. L. 93–288, you are authorized to advance to the State its 25 percent share of the Individual and Family Grant program, to be repaid to the United States by the State when it is able to do so.

The time period prescribed for the implementation of section 313(a), priority to certain applications for public facility and public housing assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Mr. John D. Swanson of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Montana to have been affected adversely by this declared major disaster and are designated eligible as follows:

Blaine and Phillips Counties for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Julius W. Becton, Jr.,

Director.

[FR Doc. 86–23833 Filed 10–21–86; 8:45 am]

BILLING CODE 6718–02–M

[FEMA–778–DR]

Notice of Major Disaster and Related Determinations; Oklahoma

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Oklahoma

(FEMA–778–DR), dated October 14, 1986, and related determinations.

DATED: October 14, 1986.

FOR FURTHER INFORMATION CONTACT: Sewall H.E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472 (202) 646–3616.

Notice: Notice is hereby given that, in a letter of October 14, 1986, the President declared a major disaster under the authority of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5121 *et seq.*, Pub. L. 93–288), as follows:

I have determined that the damage in certain areas of the State of Oklahoma resulting from severe storms and flooding beginning on September 26, 1986, is of sufficient severity and magnitude to warrant a major-disaster declaration under Pub. L. 93–288. I therefore declare that such a major disaster exists in the State of Oklahoma.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for administrative expenses.

You are authorized to provide Individual Assistance in the affected areas. You also are authorized to provide Public Assistance in the affected areas, if requested and necessary, and an acceptable State commitment for these purposes is provided. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under Pub. L. 93–288 for Public Assistance will be limited to 75 percent of total eligible costs in the designated area.

Pursuant to section 408(b) of Pub. L. 93–288, you are authorized to advance to the State its 25 percent share of the Individual and Family Grant program, to be repaid to the United States by the State when it is able to do so.

The time period prescribed for the implementation of section 313(a), priority to certain applications for public facility and public housing assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Mr. Robert D. Broussard of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Oklahoma to have been affected adversely by this declared major disaster and are designated eligible as follows:

Cherokee, Grady, Kingfisher, Logan, Muskogee, Osage, Ottawa, Tulsa, Wagoner, and Washington Counties for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Julius W. Becton, Jr.,

Director.

[FR Doc. 86–23834 Filed 10–21–86; 8:45 am]

BILLING CODE 6718–02–M

[FEMA–775–DR]

Amendment to Notice of a Major Disaster Declaration; Wisconsin

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Wisconsin (FEMA–775–DR), dated October 7, 1986, and related determinations.

DATED: October 14, 1986.

FOR FURTHER INFORMATION CONTACT: Sewall H.E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3616.

Notice: The notice of a major disaster for the State of Wisconsin, dated October 7, 1986, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of October 7, 1986:

Dodge and Washington Counties as adjacent areas for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 86–23835 Filed 10–21–86; 8:45 am]

BILLING CODE 6718–02–M

FEDERAL RESERVE SYSTEM

Cheshire Financial Corp. et al.; Formations of, Acquisitions by, and Mergers of Bank Holding Companies; and Acquisitions of Nonbanking Companies

The companies listed in this notice have applied under § 225.14 of the Board's Regulation Y (12 CFR 225.14) for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) to become a bank holding company or to acquire voting securities of a bank or bank holding company. The listed companies have also applied under § 225.23(a)(2) of Regulation Y (12 CFR 225.23(a)(2)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies, or to engage in such an activity. Unless otherwise noted, these activities will be be conducted throughout the United States.

The applications are available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than November 7, 1986.

A. Federal Reserve Bank of Boston (Robert M. Brady, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *Cheshire Financial Corporation*, Keene, New Hampshire; to become a bank holding company by acquiring 100 percent of the voting shares of Cheshire County Savings Bank, Keene, New Hampshire.

In connection with this application, Applicant has also applied to acquire 50 percent of the voting shares of Colonial Mortgage, Inc., Amherst, New Hampshire, and thereby engage in originating residential mortgage loans for sale in the secondary market and servicing such loans pursuant to § 225.25(b)(1)(iii) of the Board's Regulation Y.

B. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Maryland National Corporation,* Baltimore, Maryland; to acquire 100 percent of the voting shares of American Security Corporation, Washington, DC and thereby indirectly acquire American Security Bank, National Association, Washington, DC

In connection with this application, Applicant has also applied to acquire ASB Capital Management, Inc., Washington, DC, and thereby engage in the provision of investment or financial advice pursuant to § 225.25(b)(4) of the Board's Regulation Y; American Security Investment Services, Inc., Washington, DC, and thereby engage in the provision of securities brokerage services pursuant to § 225.25(b)(15) of the Board's Regulation Y. American Security Corporation also engages in providing travel agency services, real estate brokerage, leasing and property management services, and general insurance agency activities pursuant to section 4(a)(2) of the Bank Holding Company Act.

Board of Governors of the Federal Reserve System, October 16, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-23800 Filed 10-21-86; 8:45 am]

BILLING CODE 6210-01-M

Irving Bank Corp.; Application To Engage de Novo in Permissible Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to comment or to engage *de novo,* either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the Offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than November 7, 1986.

A. Federal Reserve Bank of New York (William L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Irving Bank Corporation,* New York, New York; to engage *de novo* through its subsidiary, Irving Life Insurance Corporation, Phoenix, Arizona, in underwriting, as reinsurer, credit life insurance and credit accident and health insurance directly related to extensions of credit by banking subsidiaries of Applicant pursuant to § 225.25(b)(9) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, October 16, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-23801 Filed 10-21-86; 8:45 am]

BILLING CODE 6210-01-M

Norstar Bancorp Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than November 12, 1986.

A. Federal Reserve Bank of New York (William L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Norstar Bancorp Inc.,* Albany, New York; to become a bank holding company by acquiring 100 percent of the voting shares of Peconic Bancshares, Inc., Riverhead, New York, and thereby indirectly acquire Peconic Bank, Riverhead, New York. Comments on this application must be received by November 7, 1986.

B. Federal Reserve Bank of Philadelphia (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *Statewide Bancorp,* Toms River, New Jersey; to acquire 100 percent of the voting shares of The Penn's Grove National Bank and Trust Company, Penns Grove, New Jersey.

C. Federal Reserve Bank of Chicago (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *First Mid-Illinois Bancshares, Inc.,* Mattoon, Illinois; to merge with Tuscola Bancorp, Inc., Tuscola, Illinois, and thereby indirectly acquire The First National Bank & Trust Company of Douglas County, Tuscola, Illinois.

2. *Herky Hawk Financial Corp.,* Hopkinton, Iowa; to become a bank holding company by acquiring 80 percent of the voting shares of Citizens State Bank, Hopkinton, Iowa.

D. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *River Region Bancshares, Inc.,* Fordsville, Kentucky; to become a bank holding company by acquiring at least 80 percent of the voting shares of Bank of Fordsville, Fordsville, Kentucky.

Board of Governors of the Federal Reserve System, October 16, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-23802 Filed 10-21-86; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

Availability of Federal Standardization Documents

AGENCY: General Services Administration.

ACTION: Availability of federal standardization documents.

SUMMARY: Copies of Federal Specifications, Federal Standards, Commercial Item Descriptions (CID's) and Qualified Products Lists (QPL's) may be obtained as follows:

1. The general public and members of civil agencies address requests to: General Services Administration, Specifications Unit (WFCIS), 7th and D Streets, SW., Washington, DC 20407, Telephone: (202) 472–2205/2140.

2. Military activities should submit their requests to: Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA 19120.

3. Government Contractors and prospective contractors may obtain copies from Government purchasing offices or from GSA Regional Business Service Centers.

Note.—Copies of standardization documents are available for reference purposes at all GSA Regional Business Service Centers and some Federal Government depository libraries.

Ken Makoutz,

Specification Manager.

October 8, 1986.

[FR Doc. 86–23778 Filed 10–21–86; 8:45 am]

BILLING CODE 6820–24–M

DEPARTMENT OF THE INTERIOR

Bureau of Land management

[CO–940–07–4111–02]

Colorado State Office Moves

The Bureau of Land management (BLM), Colorado State Office, moved from downtown Denver to Lakewood in September 1986. The new mailing address is 2850 Youngfield Street, Lakewood, Colorado 80215.

Because of unanticipated problems, the office will be deemed to have been closed in regard to receipt of mail transactions from September 2 through October 8, 1986. This closure does not affect over-the-counter actions from walk-in traffic.

Neil F. Morck,

State Director.

[FR Doc. 86–23781 Filed 10–21–86; 8:45 am]

BILLING CODE 4310–JB–M

[NM 56115]

Notice of Issuance of Land Exchange Conveyance Document; Order Providing for Opening of Public Lands in New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The United States issued an exchange conveyance document to Thriftway Company on May 14, 1986, for the following described lands (surface estate only) in San Juan County, New Mexico, pursuant to section 206 of the Act of October 21, 1976 (43 U.S.C. 1716 [1976]).

New Mexico Principal Meridian

T. 28 N., R. 11 W.,
Sec. 9, lots 6 and 7.
Containing 8.99 acres.

In exchange for these lands, the following described lands (surface estate only) in San Juan County, New Mexico, were reconveyed to the United States.

New Mexico Principal Meridian

T. 31 N., R. 6 W.,
Sec. 7, W½NE¼.
T. 31 N., R. 7 W.,
Sec. 12, NW¼SW¼.
Containing 120.00 acres, more or less.

The purpose of the exchange was twofold: The Bureau of Land Management acquired private land on Middle Mesa which will improve both range and wildlife management. Second, the land patented to Thriftway Company was being used as a part of their refinery under a 5-year lease agreement. The transfer of land to Thriftway will allow them more flexibility in managing their refinery operations. The public interest was well served through completion of this exchange.

At 10:00 a.m. on November 24, 1986, the lands shall be open to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10:00 a.m. on November 24, 1986, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing. Ownership of the mineral estate has been and remains in the United States in T. 31 N., R. 6 W., NMPM, and ownership of the coal estate has been and remains in the United States in T. 31 N., R. 7 W., NMPM.

The values of the public and non-Federal lands in the exchange were appraised at $43,000 and $35,000, respectively. An equalization payment in the amount of $8,000 was paid to the United States by Thriftway Company.

October 10, 1986.

Monte G. Jordan,

Acting State Director.

[FR. Doc. 86–23775 Filed 10–21–86; 8:45 am]

BILLING CODE 4310–FB–M

[NM 52192]

Notice of Issuance of Land Exchange Conveyance Document; New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The United States issued an exchange conveyance document to Norman Allen and Aurora Vighi Allen of Albuquerque, New Mexico, on September 13, 1985, for the following described lands (surface estate only) in Cibola County, New Mexico, pursuant to section 206 of the Act of October 21, 1976 (43 U.S.C. 1716 [1976]).

New Mexico Principal Meridian

T. 8 N., R. 16 W.,
Sec. 28, E½E½.
The area described contains approximately 160.00 acres.

In exchange for these lands, the United States acquired the following described lands (surface estate only) in Cibola County, New Mexico, from Norman Allen and Aurora Vighi Allen.

New Mexico Principal Meridian

T. 8 N., R. 16 W.,
Sec. 28, S½NW¼ and W½SW¼.
Containing 160.00 acres, more or less.

The exchange was considered to be in the public interest because the nonfederal lands contain the Ojo Pueblo Cultural Site, which is currently on the New Mexico Register of Historic Places and eligible for the National Register.

The values of the public and the nonfederal lands were each appraised at $24,000, respectively.

Monte G. Jordan,

Acting State Director.

October 10, 1986.

[FR Doc. 86–23776 Filed 10–21–86; 8:45 am]

BILLING CODE 4310–FB–M

[CA-940-06-4212-10; CA 3620]

California; Partial Termination of Proposed Withdrawal and Reservation of Land

October 14, 1986.

Notice of Forest Service, Department of Agriculture, application CA-3620 for withdrawal and reservation of the following described land for Stumpy Meadows recreation site from location and entry under the mining laws (30 U.S.C., Ch. 2), for the reservation and protection of an established campground from surface disturbance was published as FR Doc. 77-27665 on page 47881 of the issue of September 22, 1977. The applicant has withdrawn its application as to the following described lands:

Eldorado National Forest

Stumpy Meadows Recreation Area

Mount Diablo Meridian

T. 12 N., R. 12 E.,
Sec. 11, SE¼NE¼, SE¼SW¼;
Sec. 12, NE¼SE¼, E½SW¼NE¼, NE¼SW¼NE¼, N½SW¼SW¼NE¼, N½S½NW¼, E½NW¼SE¼, SE¼NE¼.
T. 12 N., R. 13 E.,
Sec. 7, NE¼SW¼, Lot 3.

The area described aggregates 336.50 acres in El Dorado County.

Therefore, pursuant to the regulations contained in 2310.2-1, these lands shall immediately be relieved of the segregative effect of the above mentioned application.

Nancy J. Alex,

Chief, Lands Section, Branch of Adjudication and Records.

[FR Doc. 86-23777 Filed 10-21-86; 8:45 am]

BILLING CODE 4310-10-M

[WY-930-07-4220-10; W-83359]

Wyoming; Partial Vacation of Proposed Continuation of Stock Driveway Withdrawals; Sublette County, WY

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The following described lands are not withdrawn and consequently should not have been included in those lands proposed for continuation of stock driveway withdrawals. The Notice of Proposed Continuation of the withdrawals was published in the **Federal Register** on October 6, 1983, Vol. 48, Page 45622. The Notice of Proposed Continuation is hereby vacated as to the following described lands:

Sixth Principal Meridian

T. 32 N., R. 107 W.,
Sec. 23, S½NW¼.
T. 30 N., R. 110 W.,
Sec. 14, lots 4, 5, NW¼NW¼.
T. 34 N., R. 110 W.,
Sec. 21, E½E½E½W½;
Sec. 27, W½NW¼NW¼, NW¼SW¼N W¼, S½SW¼NW¼, W½SW¼;
Sec. 28, E½, E½W½;
Sec. 33, N½NE¼, SE¼NE¼, NE¼SE¼ (Except those lands in Patent No. 1231878);
Sec. 34, NE¼NW¼NW¼, W½W½NW¼.
T. 35 N., R. 110 W.,
Sec. 6, lot 4, SE¼;
Sec. 7, E½E½, E½W½E½;
Sec. 17, W½W½;
Sec. 18, NE¼NE¼;
Sec. 20, NE¼SE¼.
T. 36 N., R. 110 W.,
Sec. 4, lots 2-4, SW¼NW¼, NW¼NW¼ SW¼;
Sec. 5, SE¼SE¼NE¼, NE¼SE¼;
Sec. 7, SE¼SE¼;
Sec. 8, NW¼NE¼, SE¼NW¼, W½SW¼;
Sec. 18, NE¼NE¼, E½NW¼NE¼, SW¼NE¼, NW¼SE¼, E½SW¼SE¼;
Sec. 19, SE¼NE¼, SE¼;
Sec. 30, NE¼NE¼;
Sec. 31, S½NE¼, E½SE¼.

The area described aggregates 2,639.24 acres in Sublette County.

FOR FURTHER INFORMATION CONTACT: Chief, Branch of Land Resources, Bureau of Land Management, Wyoming State Office, P.O. Box 1828, Cheyenne, WY 82003.

Gilbert J. Lucero,

Acting State Director.

[FR Doc. 86-23780 Filed 10-21-86; 8:45 am]

BILLING CODE 4310-22-M

Bureau of Land Management

[CO-940-87-4220-10; C-44536]

Colorado; Proposed Withdrawal; Opportunity for Public Hearing

October 14, 1986.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Department of Energy has filed an application for the withdrawal of 784 acres of public land in western Colorado. The application involves 4 proposed disposal sites for radioactive wastes. This notice will segregate the land for a period of 2 years. During this period, the Department of Energy will prepare the necessary National Environmental Policy Act compliance documentation and justification for Secretarial consideration of the withdrawal application. The withdrawal is requested for a period of 5 years pending permanent Congressional action.

DATE: Comments or requests for hearing should be received within 90 days of publication date.

ADDRESS: Correspondence should be addressed to the State Director, 2850 Youngfield Street, Lakewood, Colorado 80215.

FOR FURTHER INFORMATION CONTACT: Doris E. Chelius, Colorado State Office, 303-236-1768.

The Department of Energy proposes that the public lands described below be withdrawn for their exclusive use for construction of proposed permanent disposal sites for residual radioactive wastes pursuant to the Uranium Mill Tailing Radiation Control Act of 1978; 92 Stat. 3021, 42 U.S.C. 7901:

New Mexico Principal Meridian

East Gold Basin Sites

Lower Site

T. 49 N., R. 1 W.,
Sec. 13, NW¼ and W½NE¼.

Upper Site

T. 49 N., R. 1 E.,
Sec. 18, lots 3 and 4, and E½SW¼.

Sixth Principal Meridian

Estes Gulch Site

T. 5 S., R. 93 W.,
Sec. 14, NW¼ and N½SW¼.

Maybell Site

T. 7 N., R. 94 W.,
Sec. 19, E½ of lot 6, E½ of lot 7, S½NE¼N W¼, SE¼NW¼, and NE¼SW¼.

The areas described above aggregate approximately 784.04 acres in Garfield, Gunnison, and Moffat Counties.

Effective on the date of publication, these lands are segregated from all forms of appropriation under the public land laws, including the mining laws. The lands remain open to mineral leasing subject to concurrence by the Department of Energy, the Nuclear Regulatory Commission, and the Department of the Interior. The lands will remain open to surface uses which are compatible with the project until the withdrawal is final and construction is started. The segregative effect of this pending application will terminate 2 years from the date of this publication unless final withdrawal action is taken or the application is terminated prior to that date. Notice of any action will be published in the **Federal Register.**

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments in connection with the proposed withdrawal may present their views in

writing to the State Director, Colorado State Office.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal. All interested persons who desire to be heard on this proposed action must submit a written request for a hearing to the Colorado State Director within 90 days from the date of this publication. If it is determined that a public hearing should be held, the hearing will be scheduled and conducted in accordance with Bureau of Land Management Manual, section 2351.16B.

The Department of the Interior regulations provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demands for the land and its resources. The authorized officer will undertake negotiations with the applicant agency to assure that the area sought is the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the land for purposes other than the applicant's, and to reach an agreement on the concurrent management of the land and its resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the land will be withdrawn and reserved as requested by the applicant agency. The determination of the Secretary on this application will be published in the **Federal Register.**

Robert D. Dinsmore,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 86-23842 Filed 10-21-86; 8:45 am]

BILLING CODE 4310-JB-M

Minerals Management Service

Amendment to the Charter of the Royalty Management Advisory Committee

SUMMARY: The Minerals Management Service (MMS), Royalty Management Program, hereby gives notice that it is amending the charter of the Royalty Management Advisory Committee. The Committee, established by the Secretary of the Interior in August 1985, provides the Secretary with advice and recommendations on different elements of the Royalty Program.

FOR FURTHER INFORMATION CONTACT: Vernon B. Ingraham, Minerals Management Service, Royalty Management Program, Office of External Affairs, Denver Federal Center, Building 85, P.O. Box 25165, Mail Stop 660, Denver, Colorado 80225, telephone number (303) 231-3360, (FTS) 326-3360.

SUPPLEMENTARY INFORMATION: The Committee is currently evaluating the Royalty Program's Production Accounting/Auditing System and product valuation regulations concerning coal, oil, gas, and related topics.

The Committee recently submitted final reports to the Secretary on: (a) Audit funding guidelines for states and tribes, and (b) certain elements of the Royalty Program's data bases. The Committee will review other areas of the Royalty Program at the Secretary's request.

The Committee consists of 31 members representing the diversified interests of Indian tribes and allottees, State governments, and the minerals industry. The Committee's charter requires a two-thirds majority vote of all members in order to complete an official action. Because of the diversified careers and commitments of its members, not all of them can attend each meeting. With the present voting requirement, moderate absenteeism could render the Committee ineffective. To minimize this possibility, we have amended the charter to require ". . . the approval of either 18 Committee members or a two-thirds majority of the Committee members present and voting, whichever is greater."

Dated: October 10, 1986.

Donald Paul Hodel,

Secretary of the Interior.

[FR Doc. 86-23827 Filed 10-21-86; 8:45 am]

BILLING CODE 4310-MR-M

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 701-TA-270 (Final) and 731-TA-311 through 317 (Final)]

Brass Sheet and Strip From Brazil, Canada, France, Italy, the Republic of Korea, Sweden, and West Germany

AGENCY: United States International Trade Commission.

ACTION: Revised schedule for investigations Nos. 731-TA-316 and 317 (Final) and rescheduling of the hearing date for investigations Nos. 701-TA-270 (Final) and 731-TA-311 through 317 (Final).

EFFECTIVE DATE: October 16, 1986.

FOR FURTHER INFORMATION CONTACT: George L. Deyman (202-523-0481), Office of Investigations, U.S. International Trade Commission, 710 E Street NW., Washington, DC 20436. Hearing-impaired individuals may obtain information on this matter by contacting the Commission's TDD terminal on 202-724-0002.

SUPPLEMENTARY INFORMATION: Effective August 22, 1986, the Commission instituted the subject investigations and established a schedule for their conduct (51 FR 32255, September 10, 1986). Subsequently, the Department of Commerce extended the date for its final determinations in the investigations on Sweden and West Germany from November 3, 1986 to January 5, 1987 (51 FR 32674, September 15, 1986). The Commission, therefore, is revising its schedule for investigations Nos. 731-TA-316 and 317 (Final), Certain Brass Sheet and Strip from Sweden and West Germany, to conform with Commerce's new schedule, and is rescheduling the hearing date on investigations Nos. 701-TA-270 (final) and 731-TA-311 through 315 (final), Certain Brass Sheet and Strip from Brazil, Canada, France, Italy, and the Republic of Korea, to conform with the new hearing date on the investigations on brass sheet and strip from Sweden and West Germany.

The Commission's new schedule for investigations Nos. 701-TA-270 (Final) and 731-TA-311 through 317 (Final) is as follows: requests to appear at the hearing must be filed with the Secretary to the Commission not later than November 18, 1986, the prehearing conference will be held in room 117 of the U.S. International Trade Commission Building on November 25, 1986; the public version of the prehearing staff report will be placed on the public record on November 14, 1986; the deadline for filing prehearing briefs is November 24, 1986; the hearing will be held in room 331 of the U.S. International Trade Commission Building on December 1, 1986; the deadline for filing all other written submissions, including posthearing briefs, on investigations Nos. 701-TA-270 (Final) and 731-TA-311 through 315 (Final) is December 8, 1986, and the deadline for filing all other written submissions, including posthearing briefs, on investigations Nos. 731-TA-316 and 317 (Final) is January 14, 1987.

For further information concerning these investigations see the Commission's notice of investigation cited above and the Commission's Rules of Practice and Procedure, Part 207, Subparts A and C (19 CFR Part 207), and Part 201, Subparts A through E (19 CFR Part 201).

AUTHORITY: These investigations are being conducted under authority of the Tariff Act of 1930, Title VII. This notice is published pursuant to § 207.20 of the Commission's rules (19 CFR 207.20).

By order of the Commission.

Issued: October 17, 1986.

Kenneth R. Mason,

Secretary.

[FR Doc. 86-23851 Filed 10-21-86; 8:45 am]

BILLING CODE 7020-02-M

[Investigations Nos. 731-TA-347 and 348 (Preliminary)]

Malleable Cast-Iron Pipe Fittings From Japan and Thailand

Determinations

On the basis of the record [1] developed in the subject investigations, the Commission unanimously determines, pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673(a)), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports from Japan [2] and Thailand [3] of certain nonalloy, malleable cast-iron pipe fittings,[4] whether or not advanced in condition by operations or processes (such as threading) subsequent to the casting process, provided for in items 610.70 and 610.74 of the Tariff Schedules of the United States, which are alleged to be sold in the United States at less than fair value (LTFV).

Background

On August 29, 1986, petitions were filed with the Commission and the Department of Commerce by the Cast Iron Pipe Fittings Committee,[5] alleging that an industry in the United States is materially injured or threatened with material injury by reason of LTFV imports of certain nonalloy, malleable cast-iron pipe fittings from Japan and Thailand. Accordingly, effective August 29, 1986, the Commission instituted preliminary antidumping investigations Nos. 731-TA-347 and 348 (Preliminary).

Notice of the institution of the Commission's investigations and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of September 10, 1986 (51 FR 32256). The conference was held in Washington, DC, on September 19, 1986, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in these investigations to the Secretary of Commerce on October 14, 1986. The views of the Commission are contained in USITC Publication 1900 (October 1986), entitled "Certain Malleable Cast-Iron Pipe Fittings from Japan and Thailand: Determinations of the Commission in Investigations Nos. 347 and 348 (Preliminary) Under the Tariff Act of 1930, Together With the Information Obtained in the Investigations."

By order of the Commission.

Issued: September 15, 1986.

Kenneth R. Mason,

Secretary.

[FR Doc. 86-23852 Filed 10-21-86; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-248]

Plastic Fasterners and Processes For the Manufacture Thereof; Commission Determination Not to Review Initial Determination Finding Eleven Respondents in Default

AGENCY: U.S. international Trade Commission.

ACTION: Nonreview of initial determination (ID) 11 respondents in default in the above-captioned investigation.

SUMMARY: Notice is hereby given that the Commission has determined not to review the ID of the presiding administrative law judge (ALJ) (Order No. 13) finding the following listed respondents (the 11 respondents) in default:

Hong Sung Ind., Inc., 27, 2-Ka, HweHyung-dong, Choong-ku,Seoul, Korea

Epven Corp., 120-27, Do Hwa-Dong, Nam-Klu, Inchon, Korea

Kyung Won Ind. Co., (No. B-6-18, Ban Wol Industrail Estate), 399-2, MokNae-Ri, JunJa-Myun, SiHeung-kun, KyungKi-Do, Korea

Dae Yu Sang Sa Co., 32, 1-Ka, EulJi-Ro, Chong-Ku, Seoul, Korea

San Sung Chemical, 528, 1-Ka, SungSoo-Dong, SungDong-Ku, Seoul, Korea

Dae San Precision Co, 4-8 KwangMyung 1-Dong, KwanMyung City, KyungKi-Do, Korea

Dong-Hwa (Don-Hwa Marking Co.), 330-35, DockSan-Dong, KuRo-Ku, Seoul, Korea

Jin Sung Trading Co., 93-62, BukChang-Dong, Choong-Ku, Seoul, Korea

MiSung Trading, 47-12, 1-Ka, WonHyo-Ro, YongSan-Ku, Seoul, Korea

Chang-In Trading, 24-28, 1-Ka, ChoongMoo-Ro, Choong-Ku, Seoul, Korea

B&N Distributors, 907 Tankledge Street, San Carlos, CA 94070

FOR FURTHER INFORMATION CONTACT: E. Clark Lutz, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-1641.

SUPPLEMENTARY INFORMATION: The authority for the Commission's action is contained in section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and in § 210.53 of the Commission's Rules of Practice and Procedure (19 CFR 210.53).

None of the 11 respondents responded to the complaint and notice of investigation. The 11 respondents failed to respond to Order No. 8 issued on August 18, 1986, directing each to show cause why it should not be held in default.

Copies of the ID and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436, telephone 202-523-0161. Hearing-impaired persons are advised that information concerning this investigation can be obtained by contacting the Commission's TDD terminal on 202-724-0002.

By Order of the Commission.

Issued: October 14, 1986.

Kenneth R. Mason,

Secretary.

[FR Doc. 86-23853 Filed 10-21-86; 8:45 am]

BILLING CODE 7020-02-M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 464]

Railroad Cost of Capital; 1985

AGENCY: Interstate Commerce Commission.

ACTION: Notice of decision modifying data requirements and due dates for submission of comments.

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[1] The record is defined in § 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(i)).

[2] Investigation No. 731-TA-347 (Preliminary).

[3] Investigation No. 731-TA-348 (Preliminary).

[4] Such fittings are those with standard pressure ratings of 150 pounds per square inch (psi) and heavy-duty pressure ratings of 300 psi. Groove-lock fittings are not included.

[5] The 5 member producers of this committee are Stanley G. Flagg & Co., Inc., Grinnell Corp., Stockham Valves & Fittings Co., U-Brand Corp., and Ward Manufacturing, Inc.

SUMMARY: By this decision, we are modifying our earlier decision, served September 5, 1986, and published in the Federal Register on that date (51 FR 31847), that instituted a proceeding to determine the railroad industry's cost of capital rate for 1985. This modification is based on the results of the open voting conference of October 7, 1986 regarding Ex Parte No. 393 (Sub-No. 1), *Standards for Railroad Revenue Adequacy*. In that open conference, the Commission voted not to adopt use of the embedded cost of debt or a book value capital structure mix, and not to treat accumulated deferred tax reserves as a zero-cost component of the capital structure. The data requirements imposed in this proceeding to implement those possible changes, therefore, are no longer relevant to the determination of the railroads' cost of capital. While not a voting issue, the Commission expressed at the conference its concerns as to the computation of the cost of equity capital. Consideration of these concerns requires us to seek additional comments on that matter. We will extend the filing dates to allow for these additional comments.

DATES: Statements of railroads are now due November 14, 1986. Statements of other interested parties are now due December 15, 1986. Rebuttal statements by railroad are now due January 5, 1987.

FOR FURTHER INFORMATION CONTACT: Ward L. Ginn, Jr., (202) 275–7489.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T. S. Infosystems, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC, 20423; or call 289–4357 (DC Metropolitan area) or toll free (800) 424–5403.

This action will not significantly affect either the quality of the human environment or energy conservation. Nor will it have a significant economic impact on a substantial number of small entities.

(Authority: 49 U.S.C. 10704(a).)

Decided: October 16, 1986.

By the Commission, Chairman Gradison, Vice Chairman Simmons, Commissioners Sterrett, Andre, and Lamboley. Commissioner Lamboley commented with a separate expression. Vice Chairman Simmons dissented with a separate expression.

Noreta R. McGee,

Secretary.

[FR Doc. 86–23856 Filed 10–21–86; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Clean Water Act in United States v. Kachina Village Improvement District and the State of Arizona

In accordance with Departmental policy, 28 CFR 50.7., notice is hereby given that on October 7, 1986 a proposed Consent Decree ("Decree") in *United States* v. *Kachina Village Improvement District and the State of Arizona*, Civil Action No. CIV–85–1829 PHX WPC, was lodged with the United States District Court for the District of Arizona. The complaint in this enforcement action was filed on September 27, 1984 against the Kachina Village Improvement District of the Coconino County Board of Supervisors ("KVID") and the state of Arizona under section 309 of the Clean Water Act ("the Act"), 33 U.S.C. 1319, seeking civil penalties and injunctive relief for KVID's discharge of pollutants from its sewage treatment plant ("STP") into Harenburg Wash and Pump House Wash, tributaries of Oak Creek, in violation of section 301(a) and 402 of the act, 33 U.S.C. 3311(a) and 1342. the state of Arizona was joined as a defendant pursuant to section 309(e) of the Act, 33 U.S.C. 1311(e) and is a signatory to the Decree. The Decree requires KVID to undertake a comprehensive program, in accordance with a compliance schedule, to attain and thereafter maintain compliance with its National Pollutant Discharge Elimination System ("NPDES") permit and the Act by ceasing entirely the discharge of pollutants from its STP by July 1, 1988 through construction of a land disposal facility. In the interim period KVID is obligated to make treatment plant modifications which should allow it it operate at maximum efficiency and consistently comply with interim effluent limits established in the Decree. In addition, certain sewage collection system modifications must be undertaken to reduce infiltration and inflow and to control flows to the sewage treatment plant. The decree sets interim effluent limitations at levels which should provide maximum pollution abatement pending completion of modifications to the treatment plant and collection system. Finally, the Decree provides for stipulated penalties for failure to comply with decree requirements and interim effluent limits and payment of a $27,000 civil penalty in equal installments over a three (3) year period for past violations of the Act.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to United States v. *Kachina Village Improvement District*, D.J. Ref. No. 90–5–1–1–2198.

The proposed Consent Decree may be examined at the office of the United States Attorney, 4000 United States Courthouse 230 North First Avenue, Phoenix, Arizona and at the Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, California 94105. Copies of the proposed Consent Decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division, Room 1521, Department of Justice, 9th and Pennsylvania Avenue NW., Washington, DC 20530. In requesting a copy, please enclose a check in the amount of $2.30 payable to the Treasurer of the United States.

F. Henry Habicht II,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 86–23774 Filed 10–21–86; 8:45 am]

BILLING CODE 4410–01–M

Notice of Lodging of Consent Decree Pursuant to the Clean Water Act in United States v. City of Los Angeles

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on October 2, 1986, a proposed Amended Consent Decree in *United States* v. *City of Los Angeles*, Civil Action No. CV–77–3047–HP, was lodged with the United States District Court for the Central District of California. The complaint sought penalties and injunctive relief against the City under section 309 of the Clean Water Act, 33 U.S.C. 1319, for the City's discharges of sewage sludge into the Santa Monica Bay and for its failure to treat its wastewater discharges to a level of secondary treatment. Pursuant to a Consent Decree entered on June 20, 1980, the City of Los Angeles was to have ceased its discharges of sewage sludge into the ocean by February 15, 1986. The secondary treatment claims were stayed by the Decree pending a decision on the City's secondary treatment waiver application under section 301(h) of the Clean Water Act, 33 U.S.C. 1311(h). That application was denied on March 10, 1986. The City was unable to meet the February sewage discharge deadline in the 1980 Decree.

The proposed Amended Consent Decree requires the City to take immediate interim measures to reduce the discharges of sludge into the ocean, to prepare a draft Environmental Impact Report on full sludge trucking, and to eliminate all sludge discharges by December 31, 1987. With respect to secondary treatment, the City is required to design and construct full secondary treatment capacity at the Hyperion facility by 1998, to comply with interim effluent limitators, to perform a storm water runoff control project and to pay a civil penalty for its past violations of the Act.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed Amended Consent Decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530 and should refer to *United States* v. *City of Los Angeles*, D.J. Ref. No. 90–5–1–1–809A.

The proposed Amended Consent Decree may be examined at the office of the United States Attorney, Central District of California, U.S. Courthouse, 312 N. Spring Street, Los Angeles, California 90012 and at the Office of Regional Counsel, Region IX, Environmental Protection Agency, 215 Fremont Street, San Francisco, California 94105. Copies of the proposed Amended Consent Decree may also be examined at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1732(R), Ninth Street and Pennsylvania Avenue, NW., Washington, DC 20530. A copy of the proposed Amended Consent Decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice.

In requesting a copy, please enclose a check in the amount of $2.60 (10 cents per page reproduction cost) payable to the "Treasurer of the United States."

F. Henry Habicht II,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 86–23772 Filed 10–21–86; 8:45 am]

BILLING CODE 4410–01–M

Notice of Lodging of Consent Judgment Pursuant to Clean Water Act: United States, et al. v. Mohawk Associates, Inc.

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on October 10, 1986, as proposed Consent Decree in *United States of America, State of New Hampshire, Sierra Club, Natural Resources Defense Council, Inc. and Northwest Civic Association of Nashau, New Hampshire* v. *Mohawk Associates, Inc.*, Civil Action No. 84–313L, was lodged with the United States District Court for the District of New Hampshire. The complaint filed by the United States sought an injunction and civil penalties for the defendant's chronic violations of its National Pollution Discharge Elimination System (NPDES) permit and its failure to comply with an administrative order issued by EPA. The decree enjoins the defendant and its successors from discharging pollutants into waters of the United States, except in compliance with a duly issued NPDES permit, and assesses a civil penalty of $133,000.00 for the defendant's past violations.

The Department of Justice will receive comments relating to the proposed Consent Decree for a thirty (30) day period from the date of this publication. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States, et al.* v. *Mohawk Associates, Inc.*, with applicable D.J. Reference No. 90–5–1–1–2131 (D. New Hampshire).

The proposed Consent Decree may be examined at the office of the United States Attorney, 55 Pleasant Street, Room 411, James Cleveland Federal Building and Courthouse, Concord, New Hampshire 03301, and at the Office of Regional Counsel, Region I, John F. Kennedy Federal Building, Room 2203, Boston, Massachusetts 02203. Copies of the Consent Decree may be examined at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1515, Ninth Street and Pennsylvania Avenue, NW., Washington, DC 20530. A copy of the proposed Consent Decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy please enclose a check in the amount of $1.00 (ten cents per page reproduction cost) payable to the Treasurer of the United States.

F. Henry Habicht II,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 86–23772 Filed 10–21–86; 8:45 am]

BILLING CODE 4410–01–M

DRUG ENFORCEMENT ADMINISTRATION

Manufacturer of Controlled Substances; Notice of Registration

By Notice dated March 11, 1986, and published in the **Federal Register** on March 25, 1986; (51 FR 10283), ADRI Technam, Inc., 27 East 35th Place, Steger, Illionis 60475, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of Phencyclidine (7471), a basic class of controlled substance listed in Schedule II.

No comments or objections have been received. Therefore, pursuant to Section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and Title 21, Code of Federal Regulations, § 1301.54(e), the Deputy Assistant Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic class of controlled substance listed above is granted.

Dated: October 10, 1986.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 86–23783 Filed 10–21–86; 8:45 am]

BILLING CODE 4410–09–M

[Docket No. 86–13]

Richard S. Ross, D.D.S.; Revocation of Registration

On December 16, 1985, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued to Richard S. Ross, D.D.S. (Respondent), of 303 Main Street, Madison, New Jersey 07940, an Order to Show Cause proposing to revoke DEA Certificate of Registration AR8352584, and to deny any pending applications for registration, for reason that Respondent's continued registration with the Drug Enforcement Administration is inconsistent with the public interest, as that term is used in 21 U.S.C. 823(f). The Order to Show Cause recited, as evidence that Respondent's registration is inconsistent with the public interest, his arrest by officers of the Livingston, New Jersey Police Department on November 1, 1985, for attempting to obtain a Schedule II controlled substance by fraud, deceit and deception. Respondent used the name of his uncle for a prescription he wrote for Demerol which he had intended for his own use. Respondent had previously surrendered his DEA registration in Schedule II and was

therefore without authority to prescribe any Schedule II controlled substances. The Order to Show Cause also recited, as evidence that the registration should be revoked, that, between February 1983 and May 1985, Respondent wrote numerous prescriptions for Demerol in the names of members of his family and friends who never received the Demerol. Respondent wrote these prescriptions in order to obtain the Demerol for his own use. After issuance of the Order to Show Cause, Respondent was arrested on June 23, 1986, by the Hillside, New Jersey police when he passed a Demerol prescription in the name of another individual, using the DEA registration number he had earlier surrendered. At that time, Respondent also had a vial of liquid Demerol secreted in his shoe.

For some time prior to the issuance of the Order to Show Cause, DEA counsel, the United States Attorney's Office and Respondent were engaged in negotiations which culminated in an agreement on November 3, 1985. Among the terms of the agreement was the surrender of Respondent's Schedule II registration, the payment of a civil penalty, and Respondent's submission to monthly screening for narcotic use. The DEA had negotiated this agreement in good faith and had no alternative except to issue an Order to Show Cause upon Respondent's regrettable lapse and subsequent arrest on November 1, 1985.

A registered mail receipt indicates that the Order to Show Cause was received by Dr. Ross on January 2, 1986. Respondent, proceeding *pro se*, replied to the Order to Show Cause in a letter dated February 10, 1986, requesting a closed hearing. This matter was placed on the docket of Administrative Law Judge Francis L. Young, who, on March 3, 1986, denied Respondent the request for a private hearing.

On April 7, 1986, Agency's counsel and Respondent requested an extension of filing prehearing statements as ordered by the Administrative Law Judge for four weeks, as Agency's counsel and Respondent's recently retained counsel needed time to discuss a resolution to Respondent's problems. Agency's counsel subsequently submitted the Government's prehearing statement on May 5, 1986. The following day, on May 6, 1986, Respondent's counsel forwarded a letter to the Administrative Law Judge requesting an additional extension for filing a prehearing statement as the Respondent had been accepted as an inpatient at Overlook Hospital in New Jersey, receiving narcotics antagonist therapy, and counsel desired to acquire full reports from the treating hospital. On June 10, 1986, Respondent's counsel requested an additional adjournment of 30 days in order to submit a prehearing statement, stating that counsel found it necessary to acquire additional information prior to submitting a prehearing statement.

Judge Young, in a memorandum to counsel dated July 16, 1986, notified Government counsel that Respondent's counsel had failed to file his prehearing statement despite the granting of two requests for extension of time in which to do so and suggested that Government counsel file a motion in this matter. Government counsel filed a motion to terminate proceedings on July 25, 1986. Prior to the Administrative Law Judge's order to terminate proceedings dated August 1, 1986, Respondent's counsel informed the office of Judge Young of Respondent's withdrawal of his request for a hearing. Accordingly, the Administrator finds that Respondent waived his opportunity for a hearing under 21 CFR 1301.54(c).

Since the Order to Show Cause seeks the revocation of Respondent's registration based on its inconsistency with the public interest, the Administrator must consider the proposed action in light of the factors enunciated in 21 U.S.C. 823(f). Two of the factors in section 823(f) are particularly relevant in this case. They are: Respondent's experience in dispensing or conducting research with regard to controlled substances; and Respondent's compliance with applicable state, Federal or local laws relating to controlled substances.

In his letter of June 2, 1986, Respondent admits that he began writing prescriptions for Demerol for his own use in January of 1983. Respondent made the same admission to DEA Diversion Investigators on June 25, 1985, at which time he stated that he had been addicted to Demerol for approximately two years. Firmly substantiated evidence shows that Respondent wrote numerous fraudulent prescriptions for Demerol for his own use, from February, 1983 to until very recently.

Respondent's dismal experience in handling controlled substances is matched by an equally poor record of compliance with applicable state, Federal or local laws relating to controlled substances. On two occasions, November 1, 1985, and June 23, 1986, Respondent was arrested by local law enforcement officers for attempting to pass prescriptions for Schedule II controlled substances after he had surrendered his Schedule II registration to the DEA in August of 1985. Additionally, on the latter occasion, the police found Respondent to have secreted a vial containing liquid Demerol in his sock. Moreover, Respondent was found to have attempted to pass two Demerol prescriptions at two pharmacies in New Jersey on April 7, 1986. Respondent's significant record of recidivism poignantly highlights Dr. Ross's gross mismanagement of his life, his professional responsibility, and the responsibility inherent in a controlled substance registrant.

In a written statement submitted by Respondent to DEA in this matter, Dr. Ross states a lengthy record of drug rehabilitative treatment, including an inpatient rehabilitation program and serveral detoxification programs. The Administrator commends Respondent's efforts to become better able to cope with his abuse of controlled substances. However, in light of Respondent's violation of the negotiated Agreement prior to the issuance of the Order to Show Cause and in light of Respondent's recidivism, the Administrator finds it difficult to believe that the Respondent would long adhere to any prescribed conditions. The facts in this case clearly establish that Respondent's registration is inconsistent with the public interest as set forth in 21 U.S.C. 823(f).

21 U.S.C. 824(a)(4) provides that a registration may be revoked upon a finding that the registrant has committed such acts as would render his registration inconsistent with the public interest, as determined under 21 U.S.C. 823(f). Accordingly, there is a lawful basis for revoking Respondent's registration.

Having examined the records as it appears, including the letter submitted by Respondent, and pursuant to the authority given the Attorney General under 21 U.S.C. 823 and 824, as delegated to the Administrator of the Drug Enforcement Administration under 21 U.S.C. 871 and 28 CFR 0.100, the Administrator hereby revokes DEA Certificate of Registration AR8352584, previously issued to Richard S. Ross, D.D.S., and denies any pending applications for renewal, effective immediately.

Dated: October 15, 1986.

John C. Lawn,

Administrator.

[FR Doc. 86-23784 Filed 10-21-86; 8:45 am]

BILLING CODE 4410-09-M

NUCLEAR REGULATORY COMMISSION

Bi-Weekly Notice; Applications and Amendments To Operating Licenses Involving No Significant Hazards Considerations

I. Background

Pursuant to Public Law (Pub. L.) 97–415, the Nuclear Regulatory Commission (the Commission) is publishing this regular bi-weekly notice. Pub. L. 97–415 revised section 189 of the Atomic Energy Act of 1954, as amended (the Act), to require the Commission to publish notice of any amendments issued, or proposed to be issued, under a new provision of section 189 of the Act. This provision grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This bi-weekly notice includes all amendments issued, or proposed to be issued, since the date of publication of the last bi-weekly notice which was published on October 8, 1986 (51 FR 36081) through October 10, 1986.

NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE AND PROPOSED NO SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION AND OPPORTUNITY FOR HEARING

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendments would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Comments should be addressed to the Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U. S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this **Federal Register** notice.

By November 21, 1986 the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received before action is taken. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, by the above date.

Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325–6000 (in Missouri (800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to *(Project Director):* petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel-Bethesda, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board, that the petition and/or request should be granted based upon a balancing of factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and at the local public document room for the particular facility involved.

Alabama Power Company, Docket Nos. 50–348 and 50–364, Joseph M. Farley Nuclear Plant, Unit Nos. 1 and 2, Houston County, Alabama

Date of amendments request: September 2, 1986.

Description of amendments request: The proposed changes would modify the visual inspection requirements for Technical Specifications (TS) 4.7.9 Snubbers and add a new Table 4.7–3 Snubber Visual Inspection Schedule. The changes are based on the application of statistical methodology to determine visual inspection intervals which would meet the same acceptance confidence level as the current requirements. Also, the requirement for visual snubber inspections following initial power operation would be removed from the TS.

Basis for proposed no significant hazards consideration determination: The change involves only visual surveillance requirements and does not alter the current Limiting Condition for Operation or the accompanying Action Statement for the snubber system TS's. The statistical methods employed as the bases for the proposed TS change will not be used to alter the current requirement that all safety-related snubbers be operable or as justification to allow a snubber to remain in an inoperable condition. Furthermore, the conservative TS requirement to visually inspect 100% of the safety-related snubbers will not be altered.

The licensee has reviewed the requirements of 10 CFR 50.92 as they relate to the proposed change to the snubber visual inspection requirements and considers the proposed change not to involve a significant hazards consideration. In support of this conclusion, the licensee's analysis is restated as follows:

(1) The proposed change will not significantly increase the probability or consequences of an accident previously evaluated because the existing snubber operability requirements will remain intact and the proposed visual inspection requirements will effectively verify snubber system reliability.

(2) The proposed change will not create the possibility of a new or different kind of accident from any accident previously evaluated because the change will not alter plant configuration or mode of operation.

(3) The proposed change will not involve a significant reduction to the margin of safety because the combination of visual inspection intervals which maintain a 95% confidence that at least 90% of all safety-related snubbers are operable at all times along with the required functional testing of safety-related snubbers will provide adequate assurance that the snubber system will adequately perform its intended function.

We have reviewed the licensee's analysis and agree with it. In addition, the Commission has provided examples of amendments considered not likely to involve hazards considerations (51 FR 7751). Example "(i) A purely administrative change to technical specifications: for example, a change to achieve consistency throughout the technical specifications, correction of an error, or a change in nomenclature" appears to represent the change relating to deleting the first visual inspection of snubbers after initial power operation. Since initial power operation is long since passed, deleting these out-of-date descriptive words is an editorial correction.

The remaining changes do not seem to fit any of the Commission's examples. However, based on our preliminary review of the licensee's proposed changes; (1) A significant increase in the probability or consequences of an accident previously evaluated would not seem probable. The same acceptance confidence level would seem to exist as currently exists in Farley TS's; (2) The possibility of a new or different kind of accident from any accident previously evaluated would not seem probable since no change to the physical number of snubbers is being considered. Thus, existing design integrity, where snubbers are involved, is not changed; and (3) The change would not involve a significant reduction to the existing margin of safety since the actions required for failures of snubbers is essentially unchanged. Therefore, the Commission proposes that a no significant hazard consideration is in order for these changes pending completion of our detailed evaluation.

Local Public Document Room location: George S. Houston Memorial Library, 212 W. Burdeshaw Street, Dothan, Alabama 36303.

Attorney for licensee: Ernest L. Blake, Esquire, 2300 N Street, NW., Washington, DC 20037

NRC Project Director: Lester S. Rubenstein.

Arizona Public Service Company et al., Docket No. STN 50–528, Palo Verde Nuclear Generating Station (PVNGS), Unit No. 1, Maricopa County, Arizona

Date of Amendment Request: August 21, 1986.

Description of Amendment Request: The proposed amendment would modify the Technical Specifications (Appendix A to Facility Operating License No. NPF–41 for PVNGS Unit 1), for the following Surveillance Requirements: 4.6.4.3.f, 4.7.7.f, 4.7.8.f, and 4.9.12.f. These surveillance requirements relate to the charcoal adsorbers within the containment hydrogen purge system, the control room essential filtration system, the Engineered Safety Features (ESF) pump room air exhaust cleanup system, and the fuel building essential ventilation system, respectively. Each of these requirements currently specify a charcoal adsorber removal efficiency "greater than or equal to 99.95% of a halogenated hydrocarbon refrigerant test gas when they are tested in place." The proposed amendment will change the removal efficiency requirement from 99.95% to 99.0%. The proposed change is being requested to make the Palo Verde Unit 1 Technical Specifications consistent with the guidance provided by Generic Letter 83–13 and with the Palo Verde Unit 2 Technical Specifications which were previously reviewed and accepted by the staff.

Basis for proposed no significant hazards consideration determination:

The Commission has provided standards for determining whether a significant hazards consideration exists as stated in 10 CFR 50.92. A proposed amendment to an operating license for a facility involves no significant hazards considerations if operation of the facility in accordance with a proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) Create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) Involve a significant reduction in a margin of safety.

A discussion of these standards as they relate to the amendment request follows:

Standard 1—Involve a Significant Increase in the Probability or Consequences of an Accident Previously Evalauted

The proposed change only reduces the efficiency requirement of charcoal adsorbers in ESF filtration systems from 99.95% to 99.0%, which is still greater than the 95% efficiency assumed in FSAR accident analyses. The amendment does not, therefore, significantly increase the probability or consequences of an accident.

Standard 2—Create the Possibility of a New or Different Kind of Accident From Any Accident Previously Evaluated

The proposed amendment does not vary or affect any plant operating condition or parameter. For these reasons, the NRC staff has determined that the proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

Standard 3—Involve a Significant Reduction in a Margin of Safety

The requested amendment does not change any of the design bases for the plant. For this reason, the NRC staff has determined that the change does not involve a significant reduction in any margins of safety.

Based on the above considerations, the Commission proposes to determine that the proposed change does not involve a significant hazards consideration.

Local Public Document Room Location: Phoenix Public Library, Business, Science and Technology Department, 12 East McDowell Road, Phoenix, Arizona 85004.

Attorney for Licensees: Mr. Arthur C. Gehr, Snell & Wilmer, 3100 Valley Center, Phoenix, Arizona 85007.

NRC Project Director: George W. Knighton.

Baltimore Gas & Electric Company, Docket Nos. 50–317 and 50–318, Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2, Calvert County, Maryland

Date of application for amendments: July 31, 1986 (partial response)

Description of amendment request: The following proposed change to the technical specifications (TS) is in partial response to BG&E's application dated July 31, 1986. The remaining issues will be addressed in separate correspondence. The proposed TS change would modify the Units 1 and 2 TS Surveillance Requirement 4.4.10.1.1 to link the completion of the reactor coolant pump (RCP) flywheel inspections to the licensee's RCP motor overhaul program rather than requiring the completion of the RCP flywheel inspection by the end of the inservice inspection (ISI) interval. This modification shall be only for the first ISI interval. All following RCP flywheel inspections shall be performed in conjunction with the ISI program.

Basis for proposed no significant hazards consideration determination: The Units 1 and 2 TS Surveillance Requirement 4.4.10.1.1 requires RCP flywheel inspections to be completed during the 10-year inservice inspection (ISI) interval for each unit. The licensee has proposed that this requirement be modified to link the performance of the RCP flywheel inspections to the licensee's voluntary RCP motor overhaul program rather than to the ISI interval. This proposed modification would only affect RCP flywheel inspections applicable to the first 10-year ISI interval. All following flywheel inspections would continue to be linked to their respective ISI interval schedules.

The first 10-year ISI intervals for both Units 1 and 2 are scheduled for completion in April 1987. This proposed change would result in the completion of the RCP flywheel inspections being deferred to June 1990, and June 1991 for Units 1 and 2, respectively, due to being linked to the completion of the RCP motor overhaul program.

The licensee evaluated the proposed change against the standards of 10 CFR 50.92 and has determined that the amendments would not: (i) Involve a significant increase in the probability or consequences of an accident previously evaluated.

Though this proposal would significantly lengthen the period of time necessary to complete the RCP flywheel inspections, the visual flywheel inspection conducted in conjunction with the RCP motor changeout in comparison to the conventional in-place ultrasonic examination is of sufficient technical superiority to more than mitigate the increase in inspection time, and as such, would not involve any significant increase in the probability or consequences of an accident that was previously evaluated.

(ii) Create the possibility of a new or different type of accident from any accident previously evaluated.

This proposal would not change the RCP design or operation. It would provide an improved method of inspection for determining the presence of any RCP flywheel degradation. Therefore, the performance of a visual RCP flywheel inspection in conjunction with the licensee's RCP motor overhaul program would not create the possibility of a new or different accident.

(iii) Involve a significant reduction in margin of safety.

The two-piece bolted flywheel design is difficult to inspect through in-place ultrasonic examinations. The proposed visual RCP flywheel inspections, though performed over an extended time period, would provide an improved indication of the operability and degradation of the RCP flywheels. As such, this proposal would not involve a significant reduction in a margin of safety.

Based upon the above, the NRC staff agrees with the licensee's evaluation and proposes to determine that the proposed change to TS 4.4.10.1.1 involves no significant hazard consideration.

Local Public Document Room location: Calvert County Library, Prince Frederick, Maryland.

Attorney for licensee: Jay E. Silberg, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037.

NRC Project Director: Ashok C. Thadani.

Carolina Power & Light Company, Dockets Nos. 50–325 and 50–324, Brunswick Steam Electric Plant, Units 1 and 2, Brunswick County, North Carolina

Date of application for amendments: September 12, 1986.

Description of amendment request: The proposed amendment would change the Technical Specifications (TS) for Brunswick Steam Electric Plant, Units 1 and 2. The proposed revision to TS Section 3/4.6.3 would extend the allowable isolation time for the Reactor Core Isolation Cooling (RCIC) system steam line isolation valves.

The RCIC system steam line is provided with both an inboard containment isolation valve (E51–F007) and an outboard isolation valve (E51–

F0081). Technical Specification 3/4.6.3 currently requires these isolation valves to close within 20 seconds. The isolation time for these valves for the Brunswick facility has historically been between 18 and 20 seconds. Therefore, the licensee is requesting the allowable isolation time be extended to 30 seconds to provide a measure of flexibility in the surveillance testing. The proposed change is identical to that granted as temporary Amendment 126 to the Brunswick 2 license on June 10, 1986.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists in 10 CFR 50.92(c). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) Involve a significant increase in the probability or consequences of any accident previously evaluated; (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. In the September 12, 1986 submittal and in the June 4, 1986 application for temporary Amendment 126, the licensee has provided an analysis of the proposed increase in RCIC isolation time relative to significant hazards considerations. As a result of this analysis, the licensee has determined the following:

1. The proposed amendment does not involve a significant increase in the probability or consequences of any accident previously evaluated. An analysis has been performed which determined that extending the allowable RCIC steam line isolation time to 30 seconds has no effect on the profiles used to establish environmental qualification at Brunswick. These profiles were established based on a rupture of a 10-inch HPCI line with a 50-second isolation time. The amount of coolant lost in 30 seconds through a break in the 3-inch RCIC steam line would be much less than that assumed for the 10-inch HPCI line break. Therefore, although increasing the isolation time for the 3-inch RCIC steam line results in a slight increase in the consequences of that accident, a rupture of the 10-inch HPCI steam line remains the limiting event for environmental qualification purposes. The radiological affects of the extended RCIC isolation time have also been evaluated. Design basis accident dose estimates at the site boundary are based on a main steam line break. These estimates are approximately a factor of 100 less than the dose allowed by 10 CFR 100. The dose estimate resulting from a rupture in the 10-inch HPCI steam line is approximately 1/3 of that of a main stream line break. Given the reduced loss of coolant through the 3-inch RCIC line, doses at the site boundary due to a ruptured RCIC line would clearly be well within limits established in 10 CFR 100. A break in the 3-inch RCIC line with a 30-second closure time for the isolation valve would result, then, in a very small offsite dose, less than one-tenth the dose calculated for the HPCI steam line break. The change in dose associated with the proposed change in RCIC isolation time from 20 to 30 seconds is only a fraction of this small dose.

2. The proposed amendment does not create the possibility of a new or different kind of accident than previously evaluated because the change does not affect the method in which the RCIC system, or any other safety system, performs its safety function. Valve operability will continue to be ensured through periodic stroke testing to the 30-second limits.

3. The proposed amendment does not involve a significant reduction in a margin of safety because the slight increase in the consequences of a RCIC steam line rupture which could result due to the proposed change are bounded by those of a main stream line or 10-inch HPCI line rupture. As such, the extended RCIC stream line isolation time does not present either a radiological or an environmental qualification concern. Periodic stroke time testing of the valves will maintain assurance of valve operability.

The NRC staff has reviewed the licensee's analysis and concludes the following:

1. Operation of the facility in accordance with the amendment would not increase the probability of an accident previously evaluated because the mode of operation of the plant is not changed. The consequences of an accident previously evaluated are not significantly increased because as discussed above only a small effect is seen in an accident previously determined to have minor consequences compared to the limiting accidents of this type, i.e., HPCI line break and main stream line break.

2. Operation of the facility in accordance with the amendment would not create the possibility of a new or different kind of accident because the mode of plant operation is not changed by the amendment.

3. Operation of the facility in accordance with the amendment would not involve a reduction in a margin of safety because the margins of safety involved are determined from the more severe cases of HPCI line break and main steam line break.

Based on this review, the staff therefore proposes to determine that the proposed change does not involve a significant hazards consideration.

Local Public Document Room location: Southport, Brunswick County Library, 109 W. Moore Street, Southport, North Carolina 28461.

Attorney for licensee: Thomas A Baxter, Esquire, Shaw, Pittman, Potts and Trowbridge, 2300 N Street NW., Washington, DC 20037.

NRC Project Director: Daniel R. Muller.

Carolina Power and Light Company, Docket No. 50–261, H. B. Robinson Steam Electric Plant, Unit No. 2, Darlington County, South Carolina

Date of amendment request: August 28, 1986.

Description of amendment request: The proposed amendment would revise Technical Specifications (TS) for the H.B. Robinson Steam Electric Plant, Unit No. 2. The proposed change revises the Technical Specifications to correct an editorial error in Section 3.3.1.2. In a previous amendment, several paragraphs were deleted from TS Section 3.3.1.1 and subsequent paragraphs were renumbered. However, references to the renumbered paragraphs were inadvertently not changed, thus creating incorrect references.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance in the form of examples of amendments that are not considered likely to involve significant hazards considerations (51 FR 7751). Example (i) states "a purely administrative change to the Technical Specifications: for example, a change to achieve consistency throughout the Technical Specifications, correction of an error or a change in nomenclature." Since the proposed change will correct paragraph referencing, in order to achieve consistency in the Technical Specifications, the change is identical to Example (i). Therefore, the Commission proposes to determine that this amendment involves no significant hazards consideration.

Local Public Document Room location: Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina 29535.

Attorney for licensee: Shaw, Pittman, Potts, and Trowbridge, 2300 N Street NW., Washington, DC 20037.

NRC Project Director: Lester S. Rubenstein.

Carolina Power and Light Company, Docket No. 50–261, H. B. Robinson Steam Electric Plant, Unit No. 2, Darlington County, South Carolina

Date of amendment request: September 3, 1986.

Description of amendment request: The proposed amendment would revise Technical Specifications (TS) for the H.B. Robinson Steam Electric Plant, Unit No. 2. The proposed revision involves a change to Technical Specification 6.2.3

to reflect a dual role of Senior Reactor Operator (SRO) and Shift Technical Advisor (STA) if an individual holds a SRO license and also meets the requirements of the STA. The change is based on the staff's Policy Statement on Engineering Expertise on Shift (Generic Letter 86–04).

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists (10 CFR 50.92(c)). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The licensee has determined and the NRC staff agrees that the proposed amendment will not:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated because this request combines existing requirements and is not intended to eliminate or reduce licensee responsibilities. It is based on an NRC policy statement which encourages use of the dual-role position. NRC requirements are not being eliminated and, therefore, there is no increase in the probability or consequences of an accident previously evaluated.

(2) Create the possibility of a new or different kind of accident from any accident previously evaluated because the request combines existing NRC requirement, without eliminating any already in existence. Therefore, no new accidents could result from making this change.

(3) Involve a significant reduction in a margin of safety because operation of the facility with this change in place would not result in a significant reduction in any margin of safety and no NRC requirements are being eliminated.

Accordingly, the Commission proposes to determine that the proposed changes to the Technical Specifications involve no significant hazards consideration.

Local Public Document Room location: Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina 29535.

Attorney for licensee: Shaw, Pittman, Potts, and Trowbridge, 2300 N Street NW., Washington, DC 20037.

NRC Project Director: Lester S. Rubenstein.

Carolina Power and Light Company, Docket No. 50–261, H. B. Robinson Steam Electric Plant, Unit No. 2, Darlington County, South Carolina

Date of amendment request: September 4, 1986.

Description of amendment request: The proposed amendment would revise Technical Specifications (TS) for the H.B. Robinson Steam Electric Plant, Unit No. 2. The proposed revision adds to TS Section 6.13.1 a distance at which dose rates must be measured for determining whether an area is a High Radiation Area (HRA) or a Locked High Radiation Area (LHRA). This change adopts the Standard Technical Specification definition and thus, will add clarity and avoid misunderstanding of the existing TS.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance in the form of examples of amendments that are not considered to involve significant hazards considerations (51 FR 7751). Example (ii) states, "A change that constitutes an additional limitation, restriction, or control not presently included in the technical specifications: for example, a more stringent surveillance requirement." The proposed change adds an 18 inch distance at which the dose rates must be measured. This is clearly an additional requirement and fits Example (ii) above. The Commission therefore proposes to determine that this action involves no significant hazards consideration.

Local Public Document Room location: Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina 29535.

Attorney for licensee: Shaw, Pittman, Potts, and Trowbridge, 2300 N Street NW., Washington, DC 20037.

NRC Project Director: Lester S. Rubenstein.

Commonwealth Edison Company, Docket No. STN 50-454, Byron Station, Unit 1 Ogle County, Illinois

Date of application for amendment: August 29, 1986.

Description of amendment request: The amendment would revise condition 2.C(6) of the license issued February 14, 1985, and would remove the Fire Protection Technical Specifications from Appendix A of that license. Generic Letter 86–10 from the NRC, dated April 24, 1986, provided guidance to licensees to request a revised fire protection license condition and to request removal of the Fire Protection Technical Specifications. The licensee's proposed amendment is in response to that Generic Letter.

It is the staff's intention to apply this amendment to Byron Station, Unit 2, when it receives its operating license if the amendment is found acceptable for Byron Station, Unit 1.

Basis for proposed no significant hazards consideration determination: The staff has evaluated this proposed amendment and determined that it involves no significant hazards considerations. According to 10 CFR 50.92(c), a proposed amendment to an operating license involves no significant hazards considerations if operation of the facility in accordance with the proposed amendment would not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated; or

2. Create the possibility of a new or different kind of accident from any accident previously evaluated; or

3. Involve a significant reduction in a margin of safety.

The proposed revision to the License Condition is in accordance with the guidance provided in Generic Letter 86–10 for Commonwealth Edison Company requesting removal of the Byron Station Fire Protection Technical Specifications. The proposed License Condition is virtually the same as the existing License Condition with minimal changes. The revision is proposed to be consistent with the NRC goal of standardizing the Fire Protection Program License Conditions to ensure uniform enforcement of fire protection requirements. The change requested is to the license condition which provides the guidelines for maintaining and making changes to the Station's Fire Protection Program and is not a change affecting the design or function of a particular feature of the fire protection system. Since the License Condition wording is virtually the same, the change does not involve a significant increase in the probability or consequences of an accident previously evaluated. It does not create the possibility of a new or different kind of accident from those previously evaluated. It also doesn't involve a significant reduction in the margin of safety since the license condition still requires that 10 CFR 50.59 evaluation for identification of unreviewed safety questions be performed for each proposed change. With the proposed license condition, as with the existing licensing condition, each change to the fire protection program will be evaluated for its impact on the fire hazards analysis and the margin of safety.

The second revision requests the removal of the Fire Protection Technical Specifications and the addition of certain administrative control requirements. Removing the Fire Protection Technical Specifications does not increase the probability or consequences of an accident previously evaluated; the accident evaluated being the postulated fire in the fire hazard and analysis documented in the Fire Protection Report. Removing these Technical Specifications does not alter the results of the fire hazards analysis. The Technical Specifications provide requirements for fire protection of equipment important to the safe shutdown of the plant. The proposed change does not remove or degrade Byron Station's administrative program. Thus, a level of fire protection consistent with that currently existing will remain unchanged.

A new or different kind of accident from that previously evaluated is not created. The proposed change only involves a transfer of the controlling mechanisms for the fire protection requirements from the Technical Specification to Byron Station's administrative program. The Fire Protection Program License Condition 2.C(6) and the proposed changes to Technical Specification Administrative Control Section 6.0 requires that for any proposed changes to the Fire Protection Program requirements, a 10 CFR 50.59 evaluation be performed. In addition, an onsite review involving personnel from different cognizant functional areas will also be required to review any proposed changes to the Fire Protection Program. Therefore, individual changes will continue to be evaluated for their impact on the fire hazards analysis.

The proposed change does not involve a reduction in the margin of safety since it is administrative in nature and does not involve a particular change to the fire hazards analysis previously documented. Each individual change will continue to be evaluated separately for its impact on the margin of safety. The proposed revision will ensure that adequate review of proposed changes to the Fire Protection program continues to be performed.

Based on the preceding assessment, the staff believes this proposed amendment involves no significant hazards considerations.

Local Public Document Room location: Rockford Public Library, 215 N. Wyman Street, Rockford, Illinois 61103.

Attorney for licensee: Michael Miller, Isham, Lincoln & Beale, One First National Plaza, 42nd Floor, Chicago, Illinois 60603.

NRC Project Director: Vincent S. Noonan.

Commonwealth Edison Company, Docket Nos. 50–373 and 50–374, La Salle County Station, Units 1 and 2, La Salle County, Illinois

Dates of amendment request: December 20, 1985, as amended by letters dated April 29, August 13, and September 3, 1986.

Description of amendment request: The proposed amendments to Operating License NPF–11 and Operating License NPF–18 would revise the La Salle Units 1 and 2 Technical Specifications to reflect Commonwealth Edison's (licensee) management organizational changes both at the corporate level and at the La Salle County Station as a result of a reorganization. The licensee indicates that all functions performed by individuals meet the minimum acceptable levels described in Section 4.2.4 of ANSI N18.1–1971, for each respective requirement.

In the staff's review of the original application, it was determined that the delegation of authority permitted a Superintendent to approve overtime for other departments and permitted delegation of authority to authorize overtime to a lower level supervisor. On September 3, 1986, the licensee augmented its application by explicitly denoting the authority to each respective Superintendent and deleting delegation to lower level supervisors. In addition, the letters dated April 29 and August 13, 1986, provided clarifying information in response to staff questions.

Basis for proposed no significant hazards consideration determination: The original request of December 20, 1985, was noticed in the **Federal Register** (51 FR 3711) on January 29, 1986. In augmenting its application to explicitly denote that each Superintendent only approves overtime for their own department, the licensee revised its original request by letter dated September 3, 1986. This revision was substantial enough to require renoticing the requested amendments. This change specifies the authority for authorizing overtime in accordance with the staff's requirements.

The Commission has provided guidance concerning the application of the standards for determining whether a significant hazards consideration exists by providing certain examples (51 FR 7744). Example (i) stated, "A purely administrative change to the Technical Specifications." These proposed amendments fall under this example since these changes are administrative in nature.

Accordingly, the Commission proposes that the changes would fall into the category of a no significant hazards consideration determination since the changes are administrative.

Local Public Document Room location: Public Library of Illinois Valley Community College, Rural Route No. 1, Ogelsby, Illinois 61348.

Attorney for licensee: Isham, Lincoln and Burke, Suite 840, 1120 Connecticut Avenue, NW., Washington, DC 20036.

NRC Project Director: Elinor G. Adensam.

Commonwealth Edison Company, Docket Nos. 50–295 and 50–304, Zion Nuclear Power Station, Unit Nos. 1 and 2, Benton County, Illinois

Date of application for amendments: September 19, 1986.

Description of amendments request: These amendments will allow one battery charger assigned to a 125 V.D.C. bus of a unit in either cold shutdown or refueling to be used to fulfill the battery charger operability requirement of a D.C. bus of an operating unit. This will be accomplished by utilizing the crosstie breakers.

The need for this proposed change has developed from the planned replacement of the Zion Station batteries. These batteries are being replaced as part of a program to upgrade and expand the capacity of Zion Station's safety-related batteries. The two batteries dedicated to Unit 1 (111 and 112) and the common battery (011) are scheduled to be replaced during the current Unit 1 refueling outage.

This change does not alter the intent of the current Technical Specifications. Section 3.15.2.e already allows the use of a D.C. bus from a unit in either cold shutdown or refueling to fulfill the operability requirements of the opposite unit. Inadvertently, this logic was not transferred to Section 3.15.2.f. These proposed amendments will achieve consistency between the intent of Section 3.15.2.e and Section 3.15.2.f and are a clarification of the existing Technical Specifications.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists [51 FR 7751 (March 6, 1986)]. A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) Involve a significant increase in the probability or conseguences of an accident previously evaluated; (2) create the possibility of a

new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The Licensee provided the following discussion regarding the above three criteria:

Criterion 1

The operating unit will have three batteries and three operable 125 V.D.C. buses available to it at all times. Thus, there has been no change in the availability or quality of the D.C. control power available to the operating Zion reactor.

Since there has been no degradation in the integrity of Zion's electrical system, then all safety-related systems will operate as previously evaluated. Thus, there will be no change in the consequences of any accident previously evaluated.

Based upon the above discussion this proposed amendment does not involve a significant increase in the probability or consequences of any accident previously evaluated.

Criterion 2

As discussed above, the use of the crosstie breakers to allow the battery charger assigned to a shutdown unit to be utilized to fulfill the operability requirements of the opposite, operating unit has no effect on any of Zion's system nor on the operation conditions of the Zion reactors. In addition, the reliability and integrity of the Zion electrical system will be unaltered. Thus, the possibility of a new or different kind of internally generated accident cannot be created.

The use of the 125 V.D.C. bus crossties has no effect on the generation of any external event. That is, there is no connection between the alignment of the D.C. system and the susceptibility of Zion Station to such external events as earthquakes, tornadoes, and floods.

Based upon the above discussion, this proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

Criterion 3

As discussed above, there will be three D.C. buses continuously available for the operating unit and two buses available for the shutdown unit. Thus, the operating unit remains capable of withstanding a postulated single failure at all times. Therefore, this proposed change does not reduce the margin of safety.

The staff has reviewed the licensee's no significant hazards consideration determination and agrees with the licensee's analysis. Accordingly, the Commission proposes to determine that the proposed changes to the Technical Specification involve no significant hazards consideration.

Local Public Document Room location: Waukegan Public Library, 128N County Street, Waukegan, Illinois 60085.

Attorney to licensee: P. Steptoe, Esq., Isham, Lincoln and Beale, Counselors at Law, Three First National Plaza, 51st Floor, Chicago, Illinois 60602.

NRC Project Director: Steven A. Varga.

Detroit Edison Company, Docket No. 50–341, Fermi-2, Monroe County, Michigan

Dates of amendment request: June 19 and July 31, 1986.

Description of amendment request: This proposed amendment, if approved, would revise the Fermi-2 Operating License No. NPF–43 by modifying an item in Attachment 2 to the license. License Condition 2.C(17) requires the licensee to complete the required emergency response capabilities as described in Attachment 2 to the Fermi-2 license. Item 1(a) of Attachment 2 presently requires the licensee to submit, prior to November 30, 1986, a summary report of its detailed control room design review (DCRDR).

An additional item in Attachment 2, Item 3(a), is addressed in the licensee's two submittals cited above. Item 3(a) required the licensee to provide, prior to July 31, 1986, a procedures generation package (PGP) for NRC staff review and approval. The licensee submitted information on this matter in its letter dated July 31, 1986. The staff will address this item at a later date.

In its letter dated June 19, 1986, the licensee stated that the absence of approved generic emergency procedures guidelines (EPGs) prevented it from conducting the DCRDR on the schedule required by Item 1(a) of Attachment 2 to the Fermi-2 license. Specifically, the staff requirement is that the licensee perform the DCRDR in accordance with approved EPGs. These EPGs are currently being developed by a BWR Owners Group (BWROG) with the most recent version identified as Revision 4. The licensee is a member of this Owners Group. Because the submittal date of Revision 4 of the BWROG EPGs has been delayed by about ten months from the original estimate of December 1985, the date established in Item 1(a) (i.e., November 30, 1986) for submittal of the summary report on the DCRDR, is no longer a reasonable requirement. To comply with Item 1(a) in light of this delay, beyond its control, the licensee requested a license amendment in its letter dated June 19, 1986, which would delay submitting the summary report of the DCRDR until July 31, 1987. This request for a license amendment was subsequently modified in the licensee's letter of July 31, 1986, to make the submittal date a floating milestone based on an interval of eight months after issuance of the NRC's approval of Revision 4 to the BWROG EPGs.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists (10 CFR 50.92(c)). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from an accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The licensee has determined, and the staff agrees, that the requested amendments per 10 CFR 50.92 do not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated because the design of the control room has been reviewed several times by the licensee to determine whether there were any human factors deficiencies. The staff reviewed this effort and issued favorable evaluations in supplements to the SER; the most recent favorable evaluation is contained in Supplement 5 to the SER issued in March 1985. Because the original license condition was predicated on these favorable initial evaluations and contemplated a limited time interval before completion of the DCRDR, the proposed limited extension of the date for completion of the DCRDR does not in itself change the basis for the license condition nor introduce a significant change in circumstances relating to the safe operation of the plant; or (2) create the possibility of a new or different kind of accident previously evaluated because the limited extension of time to complete the DCRDR does not change the type of potential accidents which might occur due to human errors during the proposed extended interim period; or (3) involve a significant reduction in a margin of safety because the proposed extension of time does not reduce the type or number of instruments and controls available for use by the operators in the control room.

Based on our review of the proposed modifications, the staff finds that there exists reasonable assurance that this proposed change will have little or no impact on the public health and safety. Accordingly, the Commission proposes to determine that the requested change to the Fermi-2 Operating License

involves no significant hazards consideration.

Local Public Document Room location: Monroe County Library System, 3700 South Custer Road, Monroe, Michigan 48161.

Attorney for the Licensee: John Flynn, Esq., The Detroit Edison Company, 2000 Second Avenue, Detroit, Michigan 48909.

NRC Project Director: Elinor Adensam.

Duquesne Light Company, Docket No. 50–334, Beaver Valley Power Station, Unit No. 1, Shippingport, Pennsylvania

Date of amendment request: July 25, 1986.

Description of amendment request: The proposed amendment would change Tables 3.3–3 and 4.3–2 of the Technical Specifications to comply with Revision 5 of the Westinghouse Standard Technical Specifications (WSTS). Specifically, the operational modes under which three steam isolation signals (manual, automatic actuation logic and high steam pressure rate) are required to be operational and surveyed would be specified as Modes 1, 2 and 3. Currently, these signals are required to be applicable to Modes 1, 2, 3 and 4 (hot shutdown).

The capability to isolate the steamline is not needed during Mode 4. This is because the limits specified for Mode 4 temperature, pressure and shutdown margin already put the plant in a safe condition without need for steamline isolation.

Basis for proposed no significant hazards consideration determination: The proposed change would not involve any hardware change or change in operational procedure. Steamline isolation is not needed during Mode 4 as discussed above. Thus, the apparent relaxation in operational and surveillance requirements in reality does not result in any real change that affects plant operation. The requested amendment does not increase the probability or consequences of an accident previously evaluated, will not create the possibility of a new type of accident or malfunction of a different type from any previously analyzed, and will not decrease any margin of safety. Therefore, the staff proposes to characterize the proposed amendment as involving no significant hazards consideration.

Local Public Document Room location: B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001.

Attorney for licensee: Gerald Charnoff, Esquire, Jay E. Silberg, Esquire, Shaw, Pittman, Potts, and Trowbridge, 2300 N Street NW., Washington, DC 20037.

NRC Project Director: Lester S. Rubenstein.

Florida Power Corporation, et al., Docket No. 50–302, Crystal River Unit No. 3 Nuclear Generating Plant, Citrus County, Florida

Date of amendment request: June 18, 1986, as amended July 23, 1986.

Description of amendment request: The proposed amendment would revise the Technical Specifications (TSs) to: (1) Raise the Reactor High Pressure Trip setpoint from 2300 psig to 2355 psig, and (2) add Anticipatory Reactor Trips (ARTs) for trips of both main feedwater pumps and the main turbine.

Change 1—Raise the Reactor High Pressure Trip Setpoint.

Subsequent to the TMI–2 accident, the Commission's staff required certain changes to Reactor Protection Systems intended to reduce challenges to and opening of the power operated relief valve (PORV). For Babcock & Wilcox (B&W) reactors, those changes included lowering the Reactor High Pressure Trip setpoint from 2355 psig to 2300 psig, and implementing a safety grade automatic ART for, among other things, a turbine trip. The Commission's guidelines were that PORV opening should occur less than 5% of the time for all anticipated transients and that the contribution to the probability of a small break loss of coolant accident (SBLOCA) from a stuck open PORV is insignificant. While these modifications have met the objectives of reducing challenges to and opening of the PORV, they have increased the frequency of reactor trips and the attendant challenges to plant safety systems.

B&W has submitted Topical Report BAW–1890, "Justification for Raising Setpoint for Reactor Trip on High Pressure." The Commission's staff has reviewed this report and in its Safety Evaluation found it acceptable for referencing in license applications. This Topical Report provides justification that a number of high pressure transients would not have resulted in a reactor trip if more margin had been available to the High Pressure Trip setpoint. The analyses presented demonstrate that when the Reactor High Pressure Trip setpoint is raised to 2355 psig (the original licensed value) and the arming threshold for ART on turbine trip is raised to 45% power, a reduction in total reactor trip frequency of about 10% is expected. Reductions in reactor trip frequency will contribute to overall plant safety as well as plant availability. Furthermore, Commission guidelines regarding the PORV, that the probability of SBLOCA due to stuck open PORV must be less than .001 per reactor year and that less than 5% of high pressure trips are allowed to open the PORV, continue to be met following these changes. The licensee has reviewed the Topical Report and the Commission's Safety Evaluation and has verified that they are applicable to Crystal River Unit 3 (CR–3).

Change 2—Add Anticipatory Reactor Trips.

The proposed change requests that the specifications for the Reactor Protection System instrumentation be changed to add two new reactor trips. These new trips are:

(a) Anticipatory Reactor Trip—both main feedwater pumps, and

(b) Anticipatory Reactor Trip—main turbine.

The ART on trip of both main feedwater pumps will be armed whenever reactor power is equal to or greater than 20% of full power, and the main turbine trip will be armed whenever reactor power is equal to or greater than 45% of full power. This request is made in response to NUREG–0737, Item II.K.2.10, and Generic Letter 82–16 dated September 20, 1982.

Subsequent to the TMI–2 accident, the Commission's staff required changes to Reactor Protection Systems intended to reduce challenges to and opening of the PORV. Two of those changes required at CR–3 were the establishment of safety grade automatic ARTs for trip of both main feedwater pumps and for main turbine trip. These ARTs are intended to anticipate plant transients which may ultimately result in reactor high pressure trips and thereby eliminate some PORV challenges.

The proposed TSs are in accordance with the sample TSs given in Generic Letter 82–16, except for the arming threshold of the turbine ARTs. The arming threshold for the turbine ARTs is based on B&W Topical Report BAW–1893, "Basis for Raising Arming Threshold for Anticipatory Reactor Trip on Turbine Trip." The Commission's staff has reviewed this Topical Report and in its Safety Evaluation found it acceptable for use in license applications. The licensee has reviewed the Topical Report and the Safety Evaluation and determined their results to be applicable to CR–3.

As demonstrated in the Topical Report, establishing the arming threshold for the ART on turbine trip at 45% full power with Reactor High Pressure Trip set at 2355 psig will continue to meet NUREG–0737 guidelines regarding PORV challenges and PORV opening. There may be

expected to be an overall reduction in reactor trips and the attendant challenges to safety systems with these reactor protection setpoints.

Basis for proposed no significant hazards consideration determination:

Change 1

These proposed changes have been reviewed against each of the criteria in 10 CFR 50.92, namely, that the proposed changes would not:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or

(2) Create the possibility of a new or different kind of accident from any accident previously evaluated; or

(3) Involve a significant reduction in a margin of safety.

With regard to criterion (1) above, since 2355 psig is the design Reactor High Pressure Trip setpoint, the original Final Safety Analysis Report analyses remain applicable for this setpoint. Analyses applicable to CR-3 have been performed which demonstrate that the guidelines on which the previous reduction of Reactor High Pressure Trip setpoint were based will continue to be met at the higher (originally licensed) setpoint. Therefore, increasing the Reactor High Pressure Trip setpoint from 2300 psig to 2355 psig does not significantly increase the probability or consequences of an accident previously evaluated.

With regard to criterion (2) above, this change returns the Reactor High Pressure Trip setpoint to the value for which the plant was originally licensed. The function of the setpoint is not altered as a result of the change (i.e., the setpoint still serves the purposes of assuring the integrity of the Reactor Coolant System as a barrier against the release of fission products, assuring that the Reactor Coolant System pressure safety limit is not exceeded, and reducing challenges to the PORV). Therefore, increasing the Reactor High Pressure Trip setpoint from 2300 psig to 2355 psig does not create the possibility of a new or different kind of accident.

With regard to criterion (3) above, the Commission's Safety Evaluation of B&W Topical Report BAW-1890 concludes that this setpoint change meets the Commission's guidelines regarding PORV openings and PORV-caused SBLOCAs. Returning the Reactor High Pressure Trip setpoint to 2355 psig will reduce the frequency of automatic trips, and thus decrease the number of challenges to plant safety systems. Therefore, increasing the Reactor High Pressure Trip setpoint from 2300 psig to 2355 psig does not involve a significant reduction in a margin of safety.

Change 2

The licensee has made the following determination, with which the Commission agrees.

The Commission has provided guidance concerning the application of standards for determining whether a significant hazards consideration exists by providing certain examples (51 FR 7751) of amendments that are considered not likely to involve significant hazards consideration. Example (ii) relates to a change that constitutes an additional limitation, restriction or control not presently included in the TSs. In this case, the change described above is similar to example (ii).

Adding ARTS on trip of both main feedwater pumps, or on trip of the main turbine is a reactor control function not presently included in the TSs. The proposed TSs are in accordance with the guidance of Generic Letter 82-16 except for the arming threshold of the main turbine ART. The main turbine ART arming threshold was chosen based on B&W analyses that have been reviewed and accepted by the Commission's staff in its Safety Evaluation dated April 25, 1986. The licensee has reviewed the B&W analysis and Commission's Safety Evaluation and has verified they are applicable to CR-3.

Based on the above, the amendment will not:

1. Involve a significant increase in the probability or consequence of an accident previously evaluated. Adding these specifications places an additional restriction on the operation of CR-3 that will shut the reactor down in anticipation of a reactor high pressure condition that could exist due to a main turbine trip or both main feedwater pump trip. The ARTs preclude either of these events from producing a challenge to the Reactor Coolant System PORV.

2. Create the possibility of a new or different kind of accident from any accident previously evaluated. ARTs provide an additional safety function, two additional reactor trips, and offer no opportunity for creating a new kind of accident.

3. Involve a significant reduction in the margin of safety. ARTs provide an additional safety function which increases the margin of safety relative to transients which have a probability of resulting in an overpressure condition in the Reactor Coolant System.

Based on the above, the Commission proposes to determine that the proposed amendment does not involve a significant hazards consideration.

Local Public Document Room location: Crystal River Public Library, 668 NW. First Avenue, Crystal River, Florida 32629.

Attorney for licensee: R. W. Neiser, Senior Vice President and General Counsel, Florida Power Corporation, P.O. Box 14042, St. Petersburg, Florida 33733.

NRC Project Director: John F. Stolz.

GPU Nuclear Corporation, et al., Docket No. 50-289, Three Mile Island Nuclear Station, Unit No. 1, Dauphin County, Pennsylvania

Date of amendment request: May 12, 1986, as supplemented September 11, 1986.

Description of amendment request: NRC Generic Letter (G.L.) 83-43 dated December 19, 1983, requested licensees to amend their Technical Specifications (TSs) to reflect changes in reporting requirements of 10 CFR 50, §§ 50.72 and 50.73. A model TS was enclosed showing revisions to be made in the "Administrative Control" and "Definitions" sections of the TSs. The generic letter further requested that other conforming changes to TSs be made in order to reflect the revised reporting requirements.

The purpose of this TS Change Request (TSCR) is to revise the reporting requirements of the TSs for TMI-1 to be consistent with the rule changes in 10 CFR 50.72 and 50.73. In addition, the TSCR incorporates other administrative changes affecting the same TS pages as modified by the above-mentioned generic letter.

Administrative changes made in addition to those specifically made in response to G.L. 85-43 involve the following:

a. Deletion of the requirements for submittal of certain reports or information no longer required by NRC.

b. Clarification of TS section 6.10.2 by inserting the words ". . . unless otherwise specified in 6.10.1 above." This is to distinguish between the records which are to be retained for the duration of the operating license and those which are required to be retained for at least five years.

c. Deletion of Specification 6.10.2.n concerning the retention of equipment qualification records, as these requirements are addressed by regulation in 10 CFR 50.49.

d. Designation of the appropriate individual responsible for maintaining administrative control of keys to locked barricades specified in 6.12.1.b.

e. Deletion of the reference to Regulatory Guide (R.G.) 10.1 from Specification 6.9.1.C concerning the

distribution of the Monthly Operating Report.

f. Clarification of Specification 6.8.3 to specifiy more clearly the approval process for temporary changes to the procedures of 6.8.1. This change is to remove the ambiguity of the current wording.

g. Deletion of the redundant listing of special reports in Specification 6.9.3.

h. Correction of format, grammar, misspellings, and other errors from previous amendments and addition of language to improve clarity of the TSs.

i. Clarification of TS reporting requirements and/or bases to be consistent with Standard TSs.

This amendment request was originally published in the Federal Register on July 2, 1986 (51 FR 24256). Since then, the licensee has submitted a supplement in response to NRC comments concerning appropriate TS language and to ensure changes are consistent with Standard TSs. All supplemental TS changes are within the scope of Items h and i above.

Basis for proposed no significant hazards consideration determination: The Commission's staff has reviewed the licensee's no significant hazards consideration determination and agrees with the licensee's analysis. The Commission has provided guidelines pertaining to the application of the three no significant hazards consideration standards by listing specific examples in 51 FR 7751. Part of the proposed amendment is being made to comply with reporting requirements in 10 CFR 50.72 and 50.73. This portion of the proposed amendment is in the same category as example (vii) of amendments that are considered not likely to involve significant hazards consideration, i.e., a change to make a license conform to changes in the regulations, where the license change results in very minor changes to facility operations clearly in keeping with the regulations.

The remaining portions of the amendment serve to delete reports no longer required by the NRC, delete TS requirements superseded by regulations, clarify ambiguity in wording, designate individuals responsible for maintaining administrative control of keys to locked barricades, delete out-dated report distribution requirements, delete redundant listing of special reports, provide consistency with Standard TSs, and correct format, grammar, and misspellings. These changes are administrative in nature and are similar to example (i) of amendments that are not considered likely to involve a significant hazards consideration, i.e., a purely administrative change to achieve consistency, correct errors, change nomenclature, and improve clarity.

Based on the above, the Commission makes a proposed determination that this amendment request does not involve significant hazards considerations.

Local Public Document Room location: Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126.

Attorney for licensee: Ernest L. Blake, Jr., Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037.

NRC Project Director: John F. Stolz.

GPU Nuclear Corporation, et al., Docket No. 50–289, Three Mile Island Nuclear Station, Unit No. 1, Dauphin County, Pennsylvania

Date of amendment request: July 29, 1986 (TSCR No. 151), as supplemented August 21, 1986.

Description of amendment request: Primarily, the proposed amendment would change and delete certain unit staff organizational titles or responsibilities identified in Section 6 of the Technical Specifications (TSs) for Three Mile Island Nuclear Station, Unit No. 1. More specifically, Technical Specification Change Request (TSCR) No. 151 reorganizes the Plant Operations department, retitles the Radiological Controls Forman, deletes the position of Training Coordinator, and deletes "Type of License" reference from the organization chart. The type of license required for certain operators is not being changed. Rather the reference to the required license is being deleted from the organization chart.

Basis for proposed no significant hazards consideration determination: Pursuant to the provisions of 10 CFR 50.91, the licensee has provided the following determination of no significant hazards considerations using the standard criteria prescribed by 10 CFR 50.92(c):

1. The proposed changes do not affect plant equipment or systems and therefore will not involve a significant increase in the probability or consequences of an accident previously evaluated or

2. The proposed changes do not affect plant equipment or systems and therefore will not create the possibility of a new or different kind of accident from any accident previously evaluated or

3. The proposed changes do not alter functional duties and therefore will not involve a significant reduction in a margin of safety.

The Commission's staff has reviewed the licensee's proposed amendment and associated analysis of no significant hazards considerations. Based upon this review, the staff concurs with the licensee's analysis on the three standards and proposes to determine that the amendment does not involve a significant hazards consideration.

Local Public Document Room location: Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126.

Attorney for licensee: Ernest L. Blake, Jr., Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037.

NRC Project Director: John F. Stolz.

GPU Nuclear Corporation, et al., Docket No. 50–289, Three Mile Island Nuclear Station, Unit No. 1, Dauphin County, Pennsylvania

Date of amendment request: August 25, 1986, as supplemented October 1, 1986.

Description of amendment request: The Fuel Handling Building (FHB) Air Treatment System contains, controls, mitigates, monitors, and records radiation releases which might result from a TMI–1 postulated spent fuel accident in the FHB. As a result of a Licensing Board decision in the TMI–1 restart proceeding, GPU Nuclear Corporation (GPUNl is installing an engineered safety feature (ESF) filtration system for the Unit 1 side of the FHB. The new system, as described in GPUN's submittals to the NRC dated March 27, 1986 and October 1, 1986, is expected to be operational around November 1, 1986. The detailed system descriptions were not submitted as part of the amendment request (i.e. not part of the separate submittals dated August 25, 1986, as supplemented October 1, 1986). However, they do form part of the basis of the NRC review on this amendment.

This proposed amendment: (1) Provides additional requirements for operation and testing of the new FHB ESF Air Treatment System which are adequate to protect against accidents involving the handling of irradiated fuel in the FHB; (2) reduces some of the requirements for the Auxiliary and FHB Air Treatment System which are no longer required to protect against this type of accident while retaining those requirements of the Auxiliary and FHB Air Treatment System necessary to ensure that doses to radiation workers on site and releases during normal power operation are maintained As Low

As Reasonably Achievable (ALARA); and (3) includes administrative or editorial changes for clarity.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists as stated in 10 CFR 50.92. A proposed amendment to an operating license for a facility involves no significant hazards consideration if it meets three standards as described in 10 CFR 50.92. The Commission's staff has reviewed the licensee's proposed determination and is in agreement with the licensee's conclusion. Each standard is discussed in turn.

Standard 1—The proposed amendment would not involve a significant increase in the probability or consequences of an accident previously evaluated. The design basis accident for the FHB ESF Air Treatment System is a fuel drop accident. Operation of this system and the Auxiliary and FHB Air Treatment System in accordance with this proposed amendment would not interfere with fuel handling operations and would not increase the probability of the accident. The new system would add filtration redundancy, would not reduce filtration capacity, and therefore would not increase the consequences of an accident.

Standard 2—The proposed amendment would not create the possibility of a new or different kind of accident from any accident previously evaluated. The FHB ESF Air Treatment System is similar in design features and configuration to other such systems. Therefore, operation in accordance with this proposed amendment would not create new or different accidents from those evaluated. Additionally, the physical installation of the new system has been evaluated by the licensee who has concluded that the new system will not affect the seismic capability of the building to which it is attached.

Standard 3—The proposed amendment would not involve a significant reduction in a margin of safety. The proposed changes provide an increased margin of safety by providing a separate ESF Air Treatment System.

Based on the above discussions, the Commission proposes to determine that the proposed amendment would not involve a significant hazards consideration.

Local Public Document Room location: Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126.

Attorney for licensee: G. F. Trowbridge, Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037.

NRC Project Director: John F. Stolz.

Gulf States Utilities Company, Docket No. 50–458, River Bend Station, Unit 1 West Feliciana Parish, Louisiana

Date of amendment request: August 4, 1986 as amended August 15, 1986 and supplemented on September 26, 1986.

Description of amendment request: Amend Attachment III and Technical Specification 3/4–8.1.1 of the River Bend Station Operating License, NPF–47, to revise the provisions on maintenance for the TDI emergency diesel generators. This revision will implement the recommendation of Revision 2 of Appendix II of TDI Diesel Generator Owners Group Design Review and Quality Revalidation (DRQR) Report (submitted May 1, 1986). NRC staff evaluation of the DRQR is documented in Supplement 3 of the River Bend SER.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists as stated in 10 CFR 50.92. A proposed amendment to an operating license for a facility involves no significant hazards considerations if operation of the facility in accordance with a proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) Create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) Involve a significant reduction in a margin of safety.

The licensee has provided the following analysis of significant hazards considerations in its August 4, 1986 request for a license amendment which was supplemented by its September 26, 1986 submission.

The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated because the Transamerica Delaval Inc. (TDI) Owners Group Design Review and Quality Revalidation (DRQR) Report requires inspections that are more thorough than the inspections currently being performed in accordance with manufacturers recommendations. GSU's commitment to the DRQR Report is designed to increase reliability of the Division I and II diesel generators.

Thus, there is no increase in the probability or consequences of any accident previously evaluated.

The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated because the change clarifies existing commitments presently being adhered to. The River Bend Station Unit 1 Facility Operating License (NPF–47) currently contains a condition that GSU shall implement the TDI requirements as incorporated within the license. By implementing the recommendations of Revision 2 of Appendix II of the TDI DRQR Report, GSU will be implementing a program that has undergone extensive industry and regulatory review. (Re: "Safety Evaluation Report Re The Operability/Reliability of the Emergency Diesel Generators Manufactured by Transamerica Delaval, Inc.—River Bend Station"—W. R. Butler to W. J. Cahill, Jr., dated July 16, 1986.) The proposed change would change the Technical Specifications to be consistent with the commitments in the Facility Operating License.

Thus, no new or different kind of accident scenario is introduced.

The proposed change does not involve a significant reduction in the margin of safety because the change makes the Technical Specifications consistent with the approved program which ensures that the design adequacy and manufacturing of the TDI diesel generators for nuclear standby service is within the range normally assumed for diesel engines designed and manufactured in accordance with General Design Criterion (GDC) 17 and 10 CFR 50, Appendix B.

Thus, there is not a significant reduction in the margin of safety. Accordingly, based on the licensees findings with which the staff concurs, the staff has made a proposed determination that the application involves no significant hazards consideration.

Local Public Document Room location: Government Documents Department, Louisiana State University, Baton Rouge, Louisiana 70803.

Attorney for licensee: Troy B. Conner, Jr., Esq., Conner and Wetterhahn, 1747 Pennsylvania Avenue, NW., Washington, DC 20006.

NRC Project Director: Walter R. Butler.

Gulf States Utilities Company, Docket No. 50–458, River Bend Station, Unit 1 West Feliciana Parish, Louisiana

Date of amendment request: August 29, 1986.

Description of amendment request: Technical Specification 3.5.3, "Suppression Pool," establishes the Limiting Conditions for Operation for operability of the suppression pool. This amendment request adds the Suppression Pool Pumpback System (SPPS) to Technical Specification 3.5.3 to ensure it is considered as required equipment for suppression pool operability.

During the development of the Technical Specifications for the full power license, GSU committed in a letter dated November 18, 1985 (RBG–

22622) to include the SPPS as part of the River Bend Technical Specifications to clarify that SPPS is a necessary subsystem to ensure operability of the suppression pool. The NRC staff requested the development and use of limiting conditions for operation, surveillance requirements, and bases. The application for amendment is to satisfy the GSU commitment to include the provisions governing the SPPS as part of the River Bend Technical Specifications.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists as stated in 10 CFR 50.92. A proposed amendment to an operating license for a facility involves no significant hazards considerations if operation of the facility in accordance with a proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) Create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) Involve a significant reduction in a margin of safety.

The licensee has provided the following analysis of significant hazards considerations in its August 29, 1986 request for a license amendment.

The proposed change does not include a significant increase in the probability or consequences of an accident previously evaluated because the change only identifies the SPPS as a necessary subsystem to ensure operability of the suppression pool. This change does not involve a design change or physical change to the plant.

Thus, there is no increase in the probability or consequences of any accident previously evaluated.

The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated because this change only provides explicit requirements to have the SPPS identified as an integral part of suppression pool system. This change does not involve a design change or physical change with respect to new or modified equipment, nor does it involve a change in the mode of operating existing equipment.

Thus, no new accident scenario is introduced by this clarification of requirements for suppression pool operability.

The proposed change does not involve a significant reduction in the margin of safety because this clarification of requirements for suppression pool operability significantly reduces the possibility of not considering SPPS as part of suppression pool operability, which would enhance safety rather than reduce the margin of safety.

The staff concurs with the above analysis. Accordingly, the staff has made a proposed determination that the application involves no significant hazards consideration.

Local Public Document Room Location: Government Documents Department, Louisiana State University, Baton Rouge, Louisiana 70803.

Attorney for licensee: Troy B. Conner, Jr., Esq., Conner and Wetterhahn, 1747 Pennsylvania Avenue, NW., Washington, DC 20006.

NRC Project Director: Walter R. Butler.

Iowa Electric Light and Power Company, Docket No. 50–331, Duane Arnold Energy Center, Linn County, Iowa

Date of amendment request: August 29, 1986.

Description of amendment request: The proposed amendment would revise the Duane Arnold Energy Center (DAEC) Technical Specification Section 3.3.C to change the basis for verifying rod scram times from the present basis; scram timing to percentage of rod insertion, to scram timing to actual rod position. The rod scram times in Subsections 3.3.C.1 and 3.3.C.2 of Section 3.3.C would be changed to correspond directly with the rod positions as utilized in the General Electric ODYN Option B Computer Reload Analysis. Changing the scram time in Subsection 3.3.C.3 of Section 3.3.C to directly correspond to the proposed even rod position 04 instead of 90% inserted is not necessary because rod position 04 is equivalent to 91.6% inserted and is therefore still conservative. The Technical Specification Surveillance Requirement 4.3.C would also be revised to clarify rod scram time testing based on rod position rather than percentage insertion.

The amendment also proposes to administratively revise Technical Specification numbering of subsections in the Bases discussions to match the numbering system in the Technical Specification sections being addressed and correct nomenclature errors in the basis discussions.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards (10 CFR 50.92(c)) for determining whether a significant hazards consideration exists. A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The staff has reviewed the licensee's request and finds that the proposed amendment:

(1) Does not involve a significant increase in the probability or consequences of an accident previously evaluated because the verification of scram times can be based on a percentage of rod insertion from fully withdrawn or on indicated rod position from fully withdrawn provided the scram insertion times correspond to either basis. Both the percentage insertion basis with corresponding scram times and the rod position basis with the corresponding scram times are utilized in the General Electric ODYN Option B Computer Reload Analysis. Therefore, either basis for scram time testing demonstrates the ability of the control rod system to bring the reactor subcritical at a rate fast enough to prevent fuel damage, i.e., to prevent the MCPR from becoming less than the safety limit. The change from percentage insertion to equivalent even rod position in Section 3.3.C.3 will provide uniformity in the basis of all rod scram timing activities in the plant. Changing the scram time to directly correspond to the proposed even rod position 04 instead of 90% insertion is not necessary because rod position 04 is equivalent to 91.67% insertion and is therefore still conservative.

(2) Does not create a possibility of a new or different kind of accident because neither the rod scram insertion time requirements nor the equipment or process involved has changed. Rod scram time testing based on rod position is consistent with established plant testing capabilities and procedures and will increase the accuracy of rod scram time testing.

(3) Does not involve a significant reduction in a margin of safety because the margin of safety derived from the General Electric ODYN Option B Computer Analysis MCPR limits is based on verifying average rod insertion times utilized in the reload analysis. The rod positions and corresponding rod scram times proposed in this amendment are utilized in the General Electric ODYN Option B Computer Reload Analysis. Therefore, the MCPR limits defined by this analysis remain unchanged. The administrative changes proposed in this amendment are to achieve consistency in nomenclature throughout the Technical Specifications. Therefore, the staff has made a proposed determination that the

application involves no significant hazards consideration.

Local Public Document Room location: Cedar Rapids Public Library, 500 First Street, S. E., Cedar Rapids, Iowa 52401.

Attorney for licensee: Jack Newman, Esquire, Kathleen H. Shea, Esquire, Newman and Holtzinger, 1615 L Street, NW., Washington, DC. 20036.

NRC Project Director: Daniel R. Muller.

Louisiana Power and Light Company, Docket No. 50–382, Waterford Steam Electric Station, Unit 3, St. Charles Parish, Louisiana.

Date of Amendment Request: September 25, 1986

Description of Amendment Request: The proposed amendment would modify Technical Specification 3/4.10.1, SPECIAL TEST EXCEPTIONS, SHUTDOWN MARGIN.

Technical Specification 3.10.1 presently allows the shutdown margin to be reduced to less than the normal operating shutdown margin requirements during low power physics testing provided that certain conditions are satisfied. One of these conditions (Surveillance Requirement 4.10.1.2) stipulates that all Control Element Assemblies (CEAs) not fully inserted in the core be shown to be capable of full insertion when tripped from at least the 50% withdrawn position within 24 hours prior to reducing the shutdown margin to less than normal operating requirements. The requested revision would allow this surveillance to be performed within 7 days of the shutdown margin reduction instead of within 24 hours as presently required.

This modification is proposed to allow low power physics testing to be accomplished without an additional reactor trip to verify CEA insertability. The startup test program includes a CEA trip test before criticality to measure CEA drop times (reference Technical Specification 3.1.2.3). Following these measurements, criticality is achieved and low power physics tests are performed. CEA integral reactivity worths are determined during this testing sequence and may require reduction of shutdown margin as permitted by Technical Specification 3.10.1. Since the worth measurements are typically performed several days after the CEA drop time measurements, the reactor must be tripped to verify CEA insertability and satisfy Surveillance Requirement 4.10.1.2. The requested revision would therefore eliminate the need for an additional reactor trip during low power physics testing by requiring verification of CEA insertability within 7 days of reducing the shutdown margin instead of 24 hours.

The primary consideration in extending the surveillance time period for verifying CEA insertability is whether there would be a significant increase in the probability of a stuck CEA during the 7-day period of time as compared to the present 24-hour time period. Consideration of the configuration of the components that are used in CEA insertion indicate that there is nothing which would cause a significant increase in the probability of a CEA becoming stuck. This is due to the fixed geometry of these components over the 7-day period that could elapse between rod drop time measurements and shutdown margin reduction. The components considered include the fuel assembly, the CEA, the CEA extension shaft, the control element drive mechanism and the upper guide structure. Also, since the CEAs will insert upon loss of power, the probability of a stuck CEA is not increased due to an electrical malfunction.

This change is similar to changes issued to other CE plants.

Basis for Proposed No Significant Hazards Considerations Determination: The NRC staff proposes that the proposed change does not involve a significant hazards consideration because, as required by the criteria of 10 CFR 50.92(c), operation of the facility in accordance with the proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) Create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) Involve a significant reduction in the margin of safety. The basis for this proposed finding is given below.

(1) The proposed change does not remove the trip surveillance requirement. It merely allows for a 7-day surveillance requirement rather than the 24-hour surveillance requirement. During this interim, there would be no significant increase in the probability of a stuck CEA since there is nothing occurring during this period which would alter the fixed geometry of components associated with the rod time measurements. Therefore, the proposed change will not involve a significant increase in the probability or consequences of any accident previously evaluated.

(2) This revision addresses a change in surveillance requirement and as such no new failure or accident path is created. Consequently, there will be no creation of a new or different kind of accident from any accident previously evaluated.

(3) Although the trip surveillance requirement is relaxed from 24 hours to seven days, there is no significant increase in the probability of a stuck CEA with the new surveillance requirement. As such, this change will not include a significant reduction in margin of safety.

As the change requested by the licensee's September 25, 1986 submittal satisfies the criteria of 50.92, it is concluded that: (1) the proposed change does not constitute a significant hazards consideration as defined by 10 CFR 50.92; (2) there is a reasonable assurance that the health and safety of the public will not be endangered by the proposed change; and (3) this action will not result in a condition which significantly alters the impact of the station on the environment as described in the NRC Final Environmental Statement.

Local Public Document Room Location: University of New Orleans Library, Louisiana Collection, Lakefront, New Orleans, Louisiana 70122.

Attorney for licensee: Mr. Bruce W. Churchill, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N St., NW. Washington, DC 20037.

NRC Project Director: George W. Knighton.

Louisiana Power and Light Company, Docket No. 50–382, Waterford Steam Electric Station, Unit 3, St. Charles Parish, Louisiana.

Date of Amendment Request: September 25, 1986.

Description of Amendment Request: The proposed amendment would modify Technical Specification 3/4.10.3, SPECIAL TEST EXCEPTIONS, REACTOR COOLANT LOOPS.

In order to perform certain physics tests at low thermal power levels, it is necessary to bypass the core protection calculators (CPCs). This is accomplished by manually bypassing the calculators after increasing the CPC operating bypass permissive setpoint from 10^{-4}% power to a value that will allow physics testing to take place without incurring a DNBR—low or LPD—High reactor trip. This adjustment is made to a bistable setpoint in the log power circuitry.

Consequently, Technical Specification 3.10.3.b requires that the Linear Power Level—High trip setpoint be decreased to less than or equal to 20% RATED THERMAL POWER. This provides additional assurance that a reactor trip will occur in the event of an unplanned power excursion while the operating bypass permissive setpoint is set to a higher than normal value.

The addition of Technical Specification 3.10.3.c is being proposed to provide an alternate means of ensuring a reactor trip prior to exceeding the present limit for physics testing at low thermal power levels. The CPC operating bypass permissive bistable serves the dual function of permitting the Log Power Level—High trip to be manually bypassed when the thermal power exceeds the operating bypass permissive setpoint. If the permissive setpoint is increased to a value greater than the Log Power Level—High trip setpoint specified in Table 2.2–1 of Technical Specification 2.2.1, then a Low Power Level—High reactor trip will occur if an unplanned power excursion takes place during physics testing. Therefore, the Log Power Level trip function may be used in place of the Linear Power Level trip function to provide additional assurance that a reactor trip will occur in the event of an unplanned power excursion during physics testing.

Basis for Proposed No Significant Hazards Consideration Determination: The NRC staff proposes that the proposed change does not involve a significant hazards consideration because, as required by the criteria of 10 CFR 50.92(c), operation of the facility in accordance with the proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) Create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) Involve a significant reduction in the margin of safety. The basis for this proposed finding is given below.

(1) This proposed change would increase the power level at which the CPC's enable the DNBR—Low and LPD—High reactor trips. Protection, however, would still be provided through this increase by the Log Power Level—High reactor trip. Since ample protection is still supplied, there will be no significant increase in the probability or consequences of an accident previously evaluated.

(2) Although this proposed change would alter the range of application for certain trips, proper core protection would be still supplied. No other functional changes are proposed to be made to these trips; consequently, this change can neither create nor involve a new path which may lead to a new or different kind of accident.

(3) As stated above, the proposed change would alter the range of application for certain trip functions. Protection, however, would still be provided for over this increase. Since there will be no reduction in trip coverage, this proposed change can not involve a reduction in a margin of safety.

As the change requested by the licensee's September 25, 1986, submittal satisfies the criteria of 50.92, it is concluded that: (1) the proposed change does not constitute a significant hazards consideration as defined by 10 CFR 50.92; (2) there is a reasonable assurance that the health and safety of the public will not be endangered by the proposed change; and (3) this action will not result in a condition which significantly alters the impact of the station on the environment as described in the NRC Final Environmental Statement.

Local Public Document Room Location: Univerisity of New Orleans Library, Louisiana Collection, Lakefront, New Orleans, Louisiana 70122.

Attorney for licensee: Mr. Bruce W. Churchill, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N St., NW. Washington, DC 20037.

NRC Project Director: George W. Knighton.

Louisiana Power and Light Company, Docket No. 50–382, Waterford Steam Electric Station, Unit 3, St. Charles Parish, Louisiana

Date of amendment request: October 1, 1986.

Description of amendment request: The proposed change would revise Technical Specification 3.1.2.9, "Reactivity Control Systems, Boron Dilution", Surveillance Requirement 4.1.2.9.4 and the associated Bases section (3/4.1.2.9). The reasons for this change are: (1) The Cycle 2 core will have higher enriched fuel and is therefore more reactive than the Cycle 1 core; (2) the Shutdown Margin for Cycle 2 is lower than it was for Cycle 1 (when all Control Element Assemblies are inserted); and (3) it is desirable to have more than one charging pump operable when the reactor is in Mode 5 and the Reactor Coolant System (RCS) is partially drained. Specifically, the proposed change will allow the use of two charging pumps when filling the RCS as long as the k-eff is maintained at a value less than 0.96.

Specification 3.1.2.9b currently requires removing power to two charging pumps when the reactor is in Mode 5 and the RCS is partially drained. The proposed change would replace this Specification with statements that allow more than one charging pump to be operable depending on the multiplication factor in the core. That is, if the k-eff is between 0.94 and 0.96 it is permissible to have 2 charging pumps operable or, if the k-eff is less than 0.94, it is permissible to have all three charging pumps operable. In addition, Table 3.1–1 will be replaced with a series of Tables (Tables 3.1–1 through 3.1–5) that provide the required boron sampling frequency as a function of the core multiplication factor that must be adhered to whenever the boron dilution alarm(s) is not operable. By monitoring the boron concentration at these frequencies, the operators will have sufficient time to mitigate a boron dilution event prior to the loss of shutdown margin.

Basis for proposed no significant hazards consideration determination: The NRC staff proposes that the proposed change does not involve a significant hazards consideration because, as required by the criteria of 10 CFR 50.92(c), operation of the facility in accordance with the proposed amendment would not: (1) Involve a significant increase in the probability or consequences of any accident previously evaluated; or (2) Create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) Involve a significant reduction in the margin of safety. The basis for this proposed finding is given below.

(1) This Specification is provided to ensure the operators have sufficient time, from when they are first alerted to a potential boron dilution, to take the appropriate corrective action to mitigate the event. Normally, protection against this event is provided by two redundant alarms that actuate when the existing neutron flux doubles. With one or both of these alarms inoperable, the Cycle 2 safety analyses have shown that by monitoring the RCS boron concentration at the frequencies shown in Tables 3.1–1 through 3.1–5 the operators have sufficient time to take the actions necessary to mitigate the event. Since this Specification applies only to the Boron Dilution event, and the Cycle 2 Safety Analyses have shown that the consequences of this event are acceptable, the proposed change will not significantly increase the probability or consequences of any accident previously evaluated.

(2) The proposed change is primarily a result of changes in the Cycle 2 core parameters and the desire to use more than one charging pump to fill the RCS following a refueling or following any maintenance that requires the RCS to be partially drained. There has been no physical change to the plant other than to allow an additional charging pump(s) to be operable if the core multiplication factor is low enough. The only accident that could be caused by an additional charging pump in operation is a boron

dilution which has already been shown to have acceptable results. Thus, the proposed change will not create the possibility of a new or different kind of accident from any accident previously evaluated.

(3) The intent of this Specification is to prevent a boron dilution event or to prevent a loss of shutdown margin should a boron dilution event occur. Normally, this event is precluded by isolating the primary makeup water or by the operability of the high neutron flux alarms which alert the operator with sufficient time to take corrective action. The action statements of this Specification provide an alternate means to detect a boron dilution event by monitoring the RCS boron concentration to detect any changes. The frequencies specified in Table 3.1–1 through 3.1–5 provide the operator with sufficient time to recognize a decrease in the RCS boron concentration and take the appropriate corrective action prior to the loss of shutdown margin. More frequent checks of the RCS boron concentration are required when more charging pumps are operable or when there is a higher core multiplication factor because there is less time available for the operators to take corrective action. Thus, the proposed change does not result in a significant reduction in the margin of safety.

As the change requested by the licensee's October 1, 1986 submittal satisfies the criteria of 50.92, it is concluded that: (1) the proposed change does not constitute a significant hazards consideration as defined by 10 CFR 50.92; (2) there is reasonable assurance that the health and safety of the public will not be endangered by the proposed change; and (3) this action will not result in a condition which significantly alters the impact of the station on the environment as described in the NRC Final Environmental Statement.

Local Public Document Room Location: University of New Orleans Library, Louisiana Collection, Lakefront, New Orleans, Louisiana 70122.

Attorney for licensee: Mr. Bruce W. Churchill, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N St., NW., Washington, DC 20037.

NRC Project Director: George W. Knighton.

Maine Yankee Atomic Power Company, Docket No. 50–309, Maine Yankee Atomic Power Station, Lincoln County, Maine

Date of amendment request: January 29, 1986, revised July 29, 1986 and August 28, 1986.

Description of amendment request: The proposed amendment would:

(1) Delete the definition of containment integrity in the Definitions Section of the TS since the definition appears in the actual Technical Specifications concerning containment integrity.

(2) Remove the term "where appropriate" from Section 3.6, "Emergency Core Cooling and Containment Spray Systems," and insert a reference to Specification 3.9 for clarity.

(3) Restate Technical Specification 3.14B for clarity and delete a reference to Cycle 7 which is no longer appropriate.

(4) Correct a misprint in the description of the concentration term C, for secondary coolant activity in Technical Specification 3.14.

(5) Divide the Technical Specification Section 3.15 concerning reactor power anomalies into a Specification and Remedial Action for clarity, and the term steady-state concentrations is used to distinguish brief transients from ongoing conditions.

(6) Add the term "fluoride" to the reactor coolant sample chemistry requirement of Technical Specification Section 4.2 to be consistent with the requirements of Technical Specifications Section 3.18.

(7) Delete the requirement to calibrate the post-accident hydrogen monitor in Table 4.2–2 of Technical Specification Section 4.2 as it is included in Table 4.1–3.

(8) Revise Technical Specification Section 5.8 to indicate the specific revision to Regulatory Guide 1.33 to which Maine Yankee has been and is currently committed in their Quality Assurance Program.

(9) Change Table 4.1–2 of Technical Specification Section 4.1 to reflect the upgrade to the Refueling Water Storage Tank level instrumentation made during the 1985 refueling outage and clarify the function being tested as that part of the recirculation actuation signal.

In addition, typographical errors would be corrected and changes would be made to the Bases for TS 3.11, 3.22 and 3.24 to correct cross references, clarify applicability requirements, and correct misprints to conform with the Final Safety Analysis Report.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazard exists as stated in 10 CFR 50.92(c). 10 CFR 50.91 requires that at the time a licensee requests an amendment it must provide to the Commission its analysis, using the standards in 10 CFR 50.92, about the issue of no significant hazards consideration. Therefore, in accordance with 10 CFR 50.91 and 10 CFR 50.92, the following analysis has been performed by the licensee:

Much of this request consists of changes designed to clarify or simplify the Specifications without altering the actual requirements. Other changes correct misspelling or minor typographical errors in both the Specifications and Bases.

We have reviewed this proposal as required by 10 CFR 50.92 to determine whether a significant hazards consideration may exist. A summary of our findings is as follows.

Those proposed changes which are for the purpose of improving clarity, are mere restructuring without altering intent or requirements or which correct typographical errors, which have been categorically determined not to involve a significant hazards consideration.

From the foregoing we have concluded that the changes proposed would not:

1. Involve a significant increase in the probability or consequences of an accident previously analyzed; or
2. Create the possibility of a new or different kind of accident from any accident previously analyzed; or
3. Involve a significant reduction in the margin of safety.

Hence, no significant hazards consideration exists.

The staff has reviewed the licensee's no significant hazards consideration determination and agrees with the licensee's analysis. Therefore, based on this review, the staff proposes to determine that the application for amendment involves no significant hazards consideration.

Local Public Document Room location: Wiscasset Public Library, High Street, Wiscasset, Maine.

Attorney for licensee: J.A. Ritscher, Esq., Ropes and Gray, 225 Franklin Street, Boston, Massachusetts 02210.

NRC Project Director: Ashok C. Thadani.

Nebraska Public Power District, Docket No. 50–298, Cooper Nuclear Station, Nemaha County, Nebraska

Dates of amendment requests: February 10, 1986; September 9, 1986.

Description of amendment request: The February 10, 1986 submittal was previously published in the **Federal Register** on April 9, 1986 (51 FR 11230). The September 9, 1986 submittal revised the February 10, 1986 application to conform to Standard Technical Specifications (NUREG–0123). The amendment would modify the Technical Specifications (TS) applicable to high radiation areas: (1) It would be specified that measurements for the determination of high radiation areas are to be made at a distance of 18 inches from the source

of radiation; (2) "Barricade" would be clarified as including "doors, yellow and magenta rope, turnstile" or other device to impede physical movement across the entrance or access to the radiation area; (3) The requirement that entrance to high radiation areas be controlled by the shift supervisor would be replaced by a requirement that it be controlled by a Special Work Permit. Radiation protection personnel and those they are escorting would be exempt from the requirement for a Special Work Permit during the performance of their assigned duties while following plant radiation protection procedures for entry into high radiation areas; (4) A requirement would be added that personnel entering high radiation areas, unless provided with a monitoring device which continuously indicates the dose rate, be provided with a monitoring device which continuously integrates the dose rate and alarms at a preset integrated dose, or with a qualified escort with a dose rate monitoring device who is responsible for providing positive control over the activities in the area and shall perform periodic dose rate monitoring at a specified frequency; and (5) Additional requirements would be added applicable for high radiation areas accessible to personnel in which a major portion of the body could receive in one hour a dose greater than 1000 mrem. These additional requirements would require that:

> . . . areas accessible to personnel with dose rates such that a major portion of the body could receive in one hour a dose greater than 1000 mrem shall be provided with locked doors to prevent unauthorized entry. Doors shall remain locked except during periods of access by personnel under an approved SWP which shall specify the dose rates in the immediate work area. For individual high radiation areas accessible to personnel that are located within large areas, such as the containment, or areas where no enclosure exists for purposes of locking and no enclosure can be reasonably constructed around the individual areas, then that area shall be barricaded and conspicuously posted. Area radiation monitors that have been set to alarm if radiation levels increase, provide both a visual and an audible signal to alert personnel in the area of the increase. Stay times or continuous surveillance by radiation protection personnel qualified in radiation protection procedures to provide additional positive exposure control over the activities within the area.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards determination exists as stated in 10 CFR 50.92(c). A proposed amendment to an operating license involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated, or (2) Create the possibility of a new or different kind of accident from any accident previously evaluated, or (3) Involve a significant reduction in a margin of safety.

The proposed change does not alter existing equipment or surveillances. It will necessitate changes to radiation protection procedures and the FSAR for the sake of uniformity and consistency between documents, but such procedural changes are of an administrative nature, do not impact plant operations, and will improve control of high radiation areas. The proposed change would thus not affect the probability or consequences of an accident previously evaluated.

The proposed change does not introduce any new mode of operation, and due to its administrative nature, does not involve any limiting conditions for operation or surveillances. Therefore, the proposed amendment does not create the possibility of a new or different kind of accident from any previously evaluated.

No safety limits or limiting safety system settings prescribed by the Technical Specifications would be affected. The proposed changes would provide for improved administrative controls for high radiation areas and will not reduce the safety margin in any manner.

Since the application for amendment involves proposed changes that are encompassed by the criteria for which no significant hazards consideration exists, the staff has made a proposed determination that the application involves no significant hazards consideration.

Local Public Document Room location: Auburn Public Library, 118 15th Street, Auburn, Nebraska 68305.

Attorney for licensee: Mr. G. D. Watson, Nebraska Public Power District, Post Office Box 499, Columbus, Nebraska 68601.

NRC Project Director: Daniel R. Muller.

Niagara Mohawk Power Corporation, Docket No. 50–220, Nine Mile Point Nuclear Station, Unit No. 1, Oswego County, New York

Date of amendment request: September 15, 1986.

Description of amendment request: The proposed amendment would modify Technical Specification (TS) Sections 6.2.2 and 6.3 and Table 6.2–1 to reflect changes required to conform to the Nuclear Regulatory Commission's "Policy Statement on Engineering Expertise on Shift," Generic Letter 86–04. Specifically, the Shift Technical Advisor would be a licensed Senior Reactor Operator and would also perform the function of Assistant Station Shift Supervisor. In addition, the "equivalency" option to a bachelor's degree in a scientific or engineering discipline would be removed from the Shift Technical Advisor job description and the alternative for a Professional Engineer's license would be added.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists as stated in 10 CFR 50.92(c).

The licensee has presented its determination of no significant hazards consideration as follows:

> 10 CFR 50.91 requires that at the time a licensee requests an amendment, it must provide to the Commission its analysis, using the standards in Section 50.92 about the issue of no significant hazards consideration. Therefore, in accordance with 10 CFR 50.91 and 10 CFR 50.92, the following analysis has been performed:
>
> *The operation of Nine Mile Point Unit 1 in accordance with the proposed amendment will not involve a significant increase in the probability or consequences of an accident previously evaluated.*
>
> These administrative changes will bring the Technical Specifications into agreement with the NRC Policy Statement on Engineering Expertise on Shift. The Assistant Station Shift Supervisor function, training and educational background will meet the applicable NRC requirements. Qualifications of other staff members has not changed. Therefore, this change will not increase the probability or consequences of an accident.
>
> *The operation of Nine Mile Point Unit 1 in accordance with the proposed amendment will not create the possibility of a new or different kind of accident from any accident previously evaluated.*
>
> The proposed changes are administrative and do not create the possibility of a new or different kind of accident.
>
> *The operation of Nine Mile Point Unit 1 in accordance with the proposed amendment will not involve a significant reduction in a margin of safety.*
>
> The proposed administrative changes do not change staffing levels or staff training. Consequently, there is no reduction in margin of safety.

The staff has reviewed the licensee's no significant hazards consideration determination and agrees with the licensee's analysis. Therefore, the staff proposes to determine that the application for amendment involves no significant hazards consideration.

Local Public Document Room location:

State University of New York, Penfield Library, Reference and Documents Department, Oswego, New York 13126.

Attorney for licensee:

Troy B. Conner, Jr., Esquire, Conner & Wetterhahn, Suite 1050, 1747 Pennsylvania Avenue, NW., Washington, DC 20006.

NRC Project Director:

John A. Zwolinski.

Northeast Nuclear Energy Company, Docket No. 50–423, Millstone Nuclear Power Station Unit 3 New London County, Connecticut

Date of application for amendment: August 28, 1986

Description of amendment request: The amendment would revise Technical Specification Section 6.5.3.2 to change the quorum required to conduct a meeting of the Millstone Unit No. 3 Nuclear Review Board to four. By replacing "enough to constitute a majority of the assigned members," with "four" Section 6.5.3.2 will be consistent with the information contained in the Millstone Units No. 1 and 2 Technical Specifications.

Basis for proposed no significant hazards consideration determination:

The staff has evaluated this proposed amendment and determined that it involves no significant hazards considerations. According to 10 CFR 50.92(c), a proposed amendment to an operating license involves no significant hazards considerations if operation of the facility in accordance with the proposed amendment would not:

(1) involve a significant increase in the probability or consequences of an accident previously evaluated; or

(2) create the possibility of a new or different kind of accident from any accident previously evaluated; or

(3) involve a significant reduction in a margin of safety.

The proposed amendment clarifies the language used to convey the requirement for the number of NRB members necessary to constitute a quorum. The current specification contains a requirement for a quorum size ranging from 4 members to 6 members, depending on the size of the NRB. The proposed change would require a minimum quorum of four members. This change would bring the Millstone Unit No. 3 Technical Specifications into agreement with those of Millstone Units No. 1 and 2 and the Westinghouse Standard Technical Specifications.

Although the proposed change is not enveloped by the three criteria in 10 CFR 50.92(c), the staff believes this proposed amendment involves no significant hazards considerations because it is a clarification of language.

Local Public Document Room Location:

Waterford Public Library, 49 Rope Ferry Road, Waterford Connecticut 06385.

Attorney for licensee: Gerald Garfield, Esq., Day, Berry, and Howard, City Place, Hartford, Connecticut 06103–3499.

NRC Project Director: Vincent S. Noonan

Omaha Public Power District, Docket No. 50–285, Fort Calhoun Station, Unit No. 1, Washington County, Nebraska

Date of amendment request: September 26, 1986.

Description of amendment request: The amendment would change the Technical Specifications to incorporate organizational changes. Specifically, it would change titles to reflect recent promotions and incorporate some organizational restructuring. Organizational changes include moving the training program from the organizational chart for the Fort Calhoun Station staff and placing it under the newly titled position of Manager-Administrative and Training Services; Engineering and Electric Operations will report to a Vice President in charge of Engineering and General Services instead of a Senior Vice President; a new position of Supervisor-Outage Projects has been created; and the positions of Supervisor-Administrative Services and Supervisor-Security are now shown on Figure 5–2. Figures 5–1 and 5–2 have been revised to reflect these organizational changes.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards for determining whether a significant hazards consideration exists by providing certain examples (51 FR 7751) of amendments that are considered not likely to involve significant hazards considerations. Example (i) relates to a change that is administrative in nature, intended to achieve consistency or correct an error. The proposed changes are representative of Example (i) in that they reflect title and organizational changes that are administrative in nature only. The changes are designed to assist in the more efficient utilization of licensee staff personnel.

The staff has also concluded that the proposed changes meet the criteria of 10 CFR 50.92. A discussion of the criteria follows:

(1) Involve any significant increase in the probability or consequences of an accident previously evaluated.

The changes are administrative in nature and do not result in any changes to the design or functioning of the plant. Specifically, there are no physical modifications being made to the plant and no changes to the way in which the plant is controlled by the operators. Therefore, the proposed changes do not affect the probability or consequences of any accident previously evaluated.

(2) Create the possibility of a new or different kind of accident from any accident previously evaluated.

Since the changes do not result in any plant modifications or operating procedures, no new path is created that may lead to a new or different kind of accident.

(3) Involve any reduction in the margin of safety.

The specific purpose of the changes is to reflect the new titles and organizational restructuring implemented by the licensee. This will not affect safety margins in a positive or negative manner.

Based on the above, the Commission proposes to determine that the proposed amendment involves no significant hazards considerations.

Local Public Document Room location: W. Dale Clark Library, 215 South 15th Street, Omaha, Nebraska 68102.

Attorney for licensee: LeBoeuf, Lamb, Leiby, and MacRae 1333 New Hampshire Avenue, NW., Washington, DC 20036.

NRC Project Director: Ashok C. Thadani

Pacific Gas and Electric Company, Docket Nos. 50–275 and 50–323, Diablo Canyon Nuclear Plant, Unit Nos. 1 and 2, San Luis Obispo County, California

Date for request amendment: July 18, 1986 (Reference LAR 86–08).

Description of for request amendment: The proposed amendments would revise the Diablo Canyon combined Technical Specifications (T.S.) for Units 1 and 2 to implement relaxed axial offset control (RAOC) for Unit 2 after 8000 MWD/MTU burnup in Cycle 1 and upon NRC approval of the Unit 2 emergency core cooling system (ECCS) reevaluation using the BART Evaluation Model. ROAC is currently being used for Unit 1 only. The proposed revision to Technical Specification 3/4.2.1, "Axial Flux Difference," includes RAOC for Unit 2 and revises the existing Technical Specification 3/4.2.1.1 to be applicable to Units 1 and 2. The bases for Technical Specification 3/4.2.1 will also be revised to include RAOC for Unit 2.

These changes to implement RAOC are based upon the analysis performed

by Westinghouse for Cycle 1 of Diablo Canyon Unit 2. The NRC-approved procedure outlined in WCAP–10216–PA was used for the analysis. A heat flux hot channel factor (F_Q of 2.32 was used in the analysis. In accordance with the NRC March 3, 1986, exemption from a requirement of 10 CFR 50.46, Unit 2 is restricted to a maximum F_Q of 2.30. PG&E letter DCL–86–036, dated February 14, 1986, provided information demonstrating that the results of the ECCS reevaluation with the BART Model are expected to confirm a sufficient calculated peak clad temperature margin with an F_Q of 2.32.

Basis for Proposed No Significant Hazards Consideration Determination: The Commission has provided standards for determining whether a significant hazards consideration exists (10 CFR 50.92(c)). A proposed amendment to an operating license for a facility involves a no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The licensee has determined that the proposed revision will not:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated because the results of the Westinghouse evaluation confirm that the full range of normal and accident conditions possible with the proposed RAOC limits are consistent with the safety analysis in the FSAR (Update, Revision 1). The analysis is based on a Westinghouse safety evaluation using the NRC-approved procedure outlined in WCAP–10216–PA. The Westinghouse evaluation generates axial flux difference as a function of power that is used as input in the accident analyses.

(2) Create the possibility of a new or different kind of accident from any accident previously evaluated as confirmed in the plant-specific Westinghouse safety evaluation discussed above.

(3) Involve a significant reduction in the margin of safety as confirmed in the plant-specific Westinghouse safety evaluation discussed above for the full range of normal and accident conditions possible with the proposed change to the Technical Specifications involves a no significant hazards consideration.

The NRC staff has reviewed the proposed amendment request and the licensee's determination and finds it acceptable. Therefore, the staff proposes to determine that a no significant hazards consideration is involved in the proposed amendment.

Local Public Document Room Location: California Polytechnic State University Library, Government Documents and Maps Department, San Luis Obispo, California 93407.

Attorneys for Licensee: Philip A. Crane, Esq., Richard F. Locke, Esq., Pacific Gas and Electric Company, P.O. Box 7442, San Francisco, California 94120 and Bruce Norton, Esq., Norton and West, P.O. Box 10569, Phoenix, Arizona 85064.

NRC Project Director: Steven A. Varga.

Portland General Electric Company, et al., Docket No. 50–344, Trojan Nuclear Plant, Columbia County, Oregon

Date of amendment request: July 17, 1986.

Description of amendment request: The amendment proposes changes to the surveillance requirements for the emergency core cooling system pumps, as stated in Sections 4.1.2.3, 4.1.2.4, and 4.5.2.i of the Technical Specifications (TS). The following specific changes are proposed:

Technical Specification 4.1.2.3—The surveillance requirement for the centrifugal charging pump (CCP) operability requirement for Modes 5 and 6 will be changed to: "verifying, that on recirculation flow, the pump develops a differential pressure greater than or equal to 2400 psid when tested pursuant to Technical Specification 4.0.5."

Technical Specification 4.1.2.4—The surveillance requirement for the CCP operability requirement for Modes 1, 2, 3, and 4 will be changed to: "verifying, that on recirculation flow, each pump develops a differential pressure greater than or equal to 2400 psid when tested pursuant to Technical Specification 4.0.5."

Technical Specification 4.5.2.i—The surveillance requirement for the ECCS pump performance verification will be changed to: "By verifying that each of the following pumps develops the indicated differential pressure on recirculation flow when tested pursuant to Technical Specification 4.0.5:

(1) Centrifugal charging pump greater than or equal to 2400 psid,

(2) Safety injection pump greater than or equal to 1455 psid, and

(3) RHR pump greater than or equal to 157 psid."

The current Technical Specifications require verification of the respective pumps' discharge pressure rather than the differential pressure. The current TS also specifies RHR pump discharge pressure of greater than or equal to 165 psig versus the proposed differential pressure of 157 psid.

Basis for proposed no significant hazards consideration determination: 10 CFR 50.92 states that a proposed amendment will involve a no significant hazards consideration if the proposed amendment does not: (i) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (ii) Create the possibility of a new or different kind of accident from any accident previously evaluated; or (iii) Involve a significant reduction in a margin of safety. Accordingly, the staff performed the following analysis:

(i) and (ii)-Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated; or create the possibility of a new or different kind of accident from any previously evaluated?

The licensee has stated that pump discharge pressure is not a true indication of pump performance since it is dependent upon pump suction pressure. A verification of pump differential pressure provides a more accurate means of assessing pump performance. Furthermore these values for the centrifugal charging pumps and safety injection pumps are consistent with those used in the Final Safety Analysis Report (FSAR) Chapter 15 accident analysis.

Due to degradation of RHR pump A, Westinghouse has determined the new requirement for the RHR pumps should be 157 psid at 600 gpm recirculation flow. Although the value of 157 psid is 8 psi lower than the current limit of 165 psi, the RHR system will still meet its design function of cooling the RCS to and maintaining the RCS at shutdown temperatures, providing low-head injection and recirculation during LOCA conditions, and transferring water between the Refueling Water Storage Tank and the refueling cavity. During cooldown operations, flow through the heat exchangers meets the design basis of 3,000 gpm as specified in TS 4.9.8.1. The most limiting LOCA analysis is for that of a large break. The new value of RHR pump head requires an additional 0.25 seconds of accumulator/safety injection flow to achieve the peak clad temperature (PCT) turn-around. This 0.25 seconds of additional heatup results in an 11 °F increase of PCT to 2001 °F. This PCT of 2001 °F is well within the 2200 °F 10 CFR 50.46 limit. The third function, the transfer of RCS water for refueling, is a nonsafety-related function.

As such, the proposed changes do not (i) increase the probability or consequences of an accident, and (ii) create a new or different kind of accident.

(iii) Does the proposed amendment involve a significant reduction in a margin of safety?

The licensee stated that the margin of safety (the capability of boron injection and emergency core cooling) provided by the safety injection, charging and RHR pumps will be improved by replacing the imprecise requirements with those specified in this amendment request which will produce more precise results by changing the units from psi to psid.

The safety injection and centrifugal charging pump heads are the original numbers used by Westinghouse in the FSAR Chapter 15 accident analysis and, thus, no reduction in the margin of safety is being made. While a reduction in the requirement of RHR pump head does reduce in a small way the margin of safety, the results of the change clearly fall inside the acceptance criteria of the Standard Review Plan section 6.3. The RHR pump will still be capable of meeting design flow requirements through the RHR heat exchangers and a 199 °F margin to PCT will be maintained.

As such, the proposed changes do not significantly reduce a margin of safety.

The Commission has provided guidance concerning the application of these standards by providing certain examples (March 6, 1986, 51 FR 7751). Examples of amendments that are considered not likely to involve significant hazards considerations are (ii) a change which constitutes an additional limitation, restriction or control not presently included in the technical specifications, e.g., a more stringent surveillance requirement; and (vi) a change which either may result in some increase to the probability or consequences of a previously analyzed accident or may reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan. . . .

The staff has reviewed the licensee's no significant hazards analysis and concludes that the proposed changes are within the scope of the Commission's cited examples. Thus, the staff proposes to determine that the requested changes do not involve a significant hazards consideration.

Local Public Document Room location: Multnomah County Library, 801 S.W. 10th Avenue, Portland, Oregon.

Attorney for licensee: J.W. Durham, Senior Vice President, Portland General Electric Company, 121 S.W. Salmon Street, Portland, Oregon 97204.

NRC Project Director: Steven A. Varga.

Public Service Electric and Gas Company, Docket Nos. 50–272 and 50–311, Salem Nuclear Generating Station, Unit Nos. 1 and 2, Salem County, New Jersey

Date of amendments request: October 3, 1986.

Description of amendments request: The proposed amendments would revise Technical Specification 5.3.1 for Salem Unit Nos. 1 and 2 in order to allow for reconstitution of fuel assemblies containing defective rods. The current Technical Specification 5.3.1 states that each fuel assembly shall contain 264 fuel rods clad with Zircaloy-4. The proposed change would allow for a reduction in the number of fuel rods per assembly in cases where leaking fuel rods are identified and replaced with either filler rods (consisting of either Zircaloy-4 or stainless steel), or vacancies. This will permit utilization of the remaining energy in the fuel assemblies containing defective fuel rods.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards for determining whether a significant hazards consideration exists by providing certain examples (51 FR 7751). The example of actions which involve no significant consideration include Example (iii) which states: "For a nuclear power reactor, a change resulting from a nuclear reactor core reloading, if no fuel assemblies significantly different from those found previously acceptable to the NRC for a previous core at the facility in question are involved. This assumes that no significant changes are made to the acceptance criteria for the technical specifications, that analytical methods used to demonstrate conformance with technical specifications and regulations are not significantly changed and that the NRC has previously found such methods acceptable." The reconstituted assemblies will meet the original design criteria. The analytical methods used will remain unchanged. Therefore, the staff proposes to determine that the proposed change, the use of reconstituted fuel assemblies does not pose a significant hazards consideration.

Local Public Document Room location: Salem Free Library, 122 West Broadway, Salem, New Jersey 0807.

Attorney for licensee: Conner and Wetterhann, Suite 1050, 1747 Pennsylvania Avenue NW., Washington, DC 20006.

NRC Project Director: Vincent S. Noonan.

Sacramento Municipal Utility District, Docket No. 50–312, Rancho Seco Nuclear Generating Station, Sacramento County, California

Date of amendment request: November 8, 1985 (Supersedes amendment request dated November 14, 1984, in its entirety).

Description of amendment request: In response to Generic Letter 83–28, an automatic shunt trip attachment has been installed at Rancho Seco. Accordingly, the proposed amendment would incorporate into the Technical Specifications (TSs) necessary Limiting Conditions for Operation (LCO) and surveillance requirements for the shunt trip attachment and applicable silicon controlled rectifiers (SCRs). Specifically, TS LCOs in section 3.5.1 will be affected, including associated surveillance requirements and bases statements.

Basis for proposed no significant hazards consideration determination: As a consequence of the Salem Anticipated Transient Without Scram (ATWS) event, Item 4.3 of Generic Letter 83–28 established requirements for automatic actuation of a shunt trip attachment on reactor trip breakers. Furthermore, licensees were instructed to submit appropriate TS change requests prior to declaring the modified system operable. Item 4.4 required the TS changes to also include testing of the SCRs, which interrupt control rod power.

Guidance for submitting amendment requests was subsequently provided by the Commission's staff in Generic Letter 85–10.

Based on guidance from Generic Letter 85–10 and Babcock & Wilcox Owners Group, the licensee has submitted a TS change request following the guidelines prescribed by 10 CFR 50.92 for determining no significant hazards considerations. The licensee has concluded from their analysis that operation of Rancho Seco in accordance with this proposed amendment:

1. Does not involve a significant increase in the probability or consequences of an accident previously evaluated,

2. Does not create the possibility of a new or different kind of accident from any accident previously evaluated, and

3. Does not involve a significant reduction in a margin of safety. The Commission's staff has reviewed the licensee's submittal for amending the

Rancho Seco TSs. This amendment proposes to expand TS section 3.5.1 and Table 4.1–1 to provide LCOs and surveillance requirements for specific components of the reactor trip system, i.e., control rod drive trip breakers, the diverse trip features and the regulating control rod power SCR electronic trips, in accordance with the guidance provided in Generic Letter 85–10. Adding requirements for diverse trip features, due to the addition of the shunt trip attachment, and SCR electronic trips will assure the reliability of the reactor trip system is not reduced due to the inoperability of any component. Thus, these TS requirements will constitute an additional control and not reduce the margin of safety.

This proposed amendment is in the same category as Example (ii) of amendments that are considered not likely to involve significant hazards considerations (51 FR 7751) in that the change constitutes an additional control not presently included in the TSs.

Therefore, since the application for amendment involves proposed changes that are similar to an example for which no significant hazards considerations exist, the Commission has made a proposed determination that the application for amendment involves no significant hazards considerations.

Local Public Document Room location: Sacramento City-County Library, 828 I Street, Sacramento, California 95814.

Attorney for licensee: David S. Kaplan, Sacramento Municipal Utility District, 6201 S Street, P.O. Box 15830, Sacramento, California 95813.

NRC Project Director: John F. Stolz.

South Carolina Electric and Gas Company, South Carolina Public Service Authority, Docket No. 50–395, Virgil C. Summer Nuclear Station, Unit 1, Fairfield County, South Carolina

Date of amendment request: September 11, 1986.

Description of amendment request: South Carolina Electric and Gas Company requests a revision to the Virgil C. Summer Nuclear Station Technical Specifications. Design Features Section 5.3.1, "Fuel Assemblies," of the Technical Specifications identifies a maximum total fuel rod weight of 1766 grams of uranium. Recent improvements to the fuel design, including an as-built density increase and chamfered pellets with a reduced dish, have increased fuel weight slightly. These weight increases will cause the maximum fuel rod weight in subsequent fuel cycles to exceed the currently specified maximum value of 1766 grams. The proposed Technical Specification change will delete the maximum total weight limitation per fuel rod contained in the Design Features Section.

Basis for proposed no significant hazards consideration determination: The actual uranium weight has no bearing on the power limits, power operating level or decay heat rate. Technical Specifications on power and power distribution control the fission rate and, hence, the rate of decay heat production. The composition of the fuel is closely monitored to assure acceptable fuel performance for such things as thermal conductivity, swelling and densification. Fission product generation is not sensitive to the mass of fuel involved but to the power level. As long as the power generated by the core is unaffected, there will be no significant impact on the radiological source terms.

Uranium mass has no impact on emergency core cooling system loss of coolant accident (LOCA) analyses. LOCA analyses are sensitive to parameters such as pellet diameter, pellet-clad gap, stack height shrinking factor and pellet density as they relate to pellet-temperature and volumetric heat generation. Individual fuel rod uranium weight, as currently reported in the Technical Specifications, is not explicity modeled in any non-LOCA event. Total uranium present in the core is input into the transient analyses, but is generated using a methodology independent of the value presented in the Technical Specifications.

The mass of uranium is accounted for in the standard fuel rod design through appropriate modeling of the fuel pellet geometry and initial fuel density. Variations in uranium mass associated with allowable as-built variations, but within the specification limits for the pellet dimensions and initial density, are accounted for in the reactor core design analyses and therefore have no impact on margin to reactor core design criteria. The fuel rod uranium weight, currently found in the Technical Specifications is not a direct input to the analyses of either maximum seismic/LOCA fuel assembly dynamic response or the seismic response of the reactor vessel and internals.

The Commission has provided guidance concerning the application of these standards by providing certain examples (51 FR 7751). One of these, Example (iii), involving no significant hazards considerations is ". . . a change resulting from a nuclear reactor core reloading, if no fuel assemblies significantly different from those found previously acceptable to the NRC for a previous core at the facility in question are involved. This assumes that no significant changes are made to the acceptance criteria for the technical specifications, that the analytical methods used to demonstrate conformance with the technical specifications and regulations are not siqnificantly changed, and that NRC has previously found such methods acceptable." The proposed change matches the quoted example.

Therefore, based on these considerations and the example given above, the Commission has made a proposed determination that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Fairfield County Library, Garden and Washington Streets, Winnsboro, South Carolina 29180.

Attorney for licensee: Randolph R. Mahan, South Carolina Electric and Gas Company, P.O. Box 764, Columbia, South Carolina 29218.

NRC Project Director: Lester S. Rubenstein.

Tennessee Valley Authority, Docket Nos. 50–327 and 50–328, Sequoyah Nuclear Plant, Units 1 and 2, Hamilton County, Tennessee

Date of amendment request: March 4, 1983, as supplemented September 30, 1986.

Description of amendment request: These amendments would change License Condition 2.C.(34) for Unit 1 and 2.C.(14) for Unit 2 to revise the implementation date for the modification necessary to comply with Regulatory Guide (RG) 1.97, Revision 2.

Basis for proposed no significant hazards consideration determination: The reason for the proposed change is to satisfy the schedule requirements approved by the staff in its June 15, 1985, letter from E. Adensam to H. G. Parris, "Issuance of Orders Confirming Licensee Commitments on Emergency Response Capabilities." In the June 15, 1985, letter, the staff approved the implementation schedule for RG 1.97, Revision 2; however, it required that the licensee commitment be confirmed by seperate license amendment.

The Commission has provided examples (51 FR 7744) of actions not likely to involve a significant hazards consideration. Example (i) of this guidance states that, "A purely administrative change to technical specifications: For example, a change to achieve consistency throughout the technical specifications, correction of an error, or a change in nomenclature" would not likely constitute a significant hazard. The staff has reviewed the proposed amendments and concludes

that they fall within the envelope of Example (i).

Accordingly, the staff proposes to determine that the requested amendments do not involve a significant hazards consideration.

Local Public Document Room location: Chattanooga-Hamilton County Bicentennial Library, 1001 Broad Street, Chattanooga, Tennessee 37401.

Attorney for licensee: Lewis E. Wallace, Acting General Counsel, Tennessee Valley Authority, 400 Commerce Avenue, E11B33, Knoxville, Tennessee 37902.

NRC Project Director: B. J. Youngblood.

Washington Public Power Supply System, Docket No. 50–397, WNP–2, Richland, Washington

Dates of amendment requests: September 27, and November 6, 1985, and September 17, 1986.

Description of amendment request: This proposed amendment, if approved, will change the Administrative Controls section of the WNP–2 Technical Specifications. The proposed amendment involves administrative changes to Specification 6.4.1 and organizational charts 6.2.2–1a and 6.2.2–1b.

Technical Specification 6.4.1, as presently written, requires that the retraining and replacement training program shall be maintained under the direction of the Technical Training Manager. The Supply System proposes modification to reflect that these programs shall be maintained under the direction of Training Coordinators.

Additional modifications are requested to the aforementioned Supply System organization charts to reflect more accurately the current company organizational configurations.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists (10 CFR 50.92(c)). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; (2) create the possibility of a new or different kind of accident from an accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The licensee has determined that the requested amendment per 10 CFR 50.92 does not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated, because the proposed changes continue to require that the training program must meet or exceed the requirements of section 5.5 of ANSI/ANS N18.1–1971 and the additional supplemental requirements as stipulated in Specification 6.4.1; or (2) create the possibility of a new or different kind of accident than previously evaluated, because the training program will continue to meet ANSI/ANS requirements, and therefore no new or different kinds of accidents are conceivable; or (3) Involve a significant reduction in a margin of safety, because there are no safety margins threatened by the proposed change.

Based on our review of the proposed modifications, the staff agrees with the licensee's determination. Accordingly, the Commission proposes to determine that the proposed changes to the WNP–2 Technical Specifications involve no significant hazards considerations.

Local Public Document Room location: Richland Public Library, Swift and Northgate Streets, Richland, Washington 99352.

Attorney for licensee: Nicholas Reynolds, Esquire, Bishop, Liberman, Cook, Purcell and Reynolds, 1200 Seventeenth Street, NW., Washington, DC 20036.

NRC Project Director: Elinor G. Adensam.

PREVIOUSLY PUBLISHED NOTICES OF CONSIDERATION OF ISSUANCE OF AMENDMENTS TO OPERATING LICENSES AND PROPOSED NO SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION AND OPPORTUNITY FOR HEARING

The following notices were previously published as separate individual notices. The notice content was the same as above. They were published as individual notices because time did not allow the Commission to wait for this bi-weekly notice. They are repeated here because the bi-weekly notice lists all amendments proposed to be issued involving no significant hazards consideration.

For details, see the individual notice in the **Federal Register** on the day and page cited. This notice does not extend the notice period of the original notice.

Kansas Gas and Electric Company, Kansas City Power and Light Company, Kansas Electric Power Cooperative, Inc., Docket No. 50–482, Wolf Creek Generating Station, Coffey County, Kansas

Date of amendment request: May 31, 1985, as supplemented September 15, 1986.

Brief description of amendment: The proposed amendment would modify the reactor trip system instrumentation setpoints contained in Technical Specification Table 2.2–1 to incorporate increased uncertainties related to resistance temperature detector errors identified during high temperature calibration.

Date of publication of individual notice in **Federal Register:** September 25, 1986 (51 FR 34169).

Expiration date of individual notice: October 27, 1986

Local Public Document Room location: Emporia State University, William Allen White Library, 1200 Commercial Street, Emporia, Kansas and Washburn University School of Law Library, Topeka Kansas.

Mississippi Power & Light Company, Middle South Energy, Inc., South Mississippi Electric Power Association, Docket No. 50–416, Grand Gulf Nuclear Station, Unit 1, Claiborne County, Mississippi

Date of amendment request: August 12, 1985 as amended September 25, 1985 and supplemented October 5 and October 22, 1985 and May 30, 1986.

Brief description of amendment request: The proposed amendment would make the following changes in the Technical Specification; add specifications in Table 3.3.3–1, "Emergency Core Cooling System (ECCS) Actuation Instrumentation" and Table 3.3.3–2, "Emergency Core Cooling System Actuation Instrumentation Setpoints" to incorporate interlock instrumentation which is designed to prevent inadvertent overpressurization of low design pressure emergency core cooling systems by the reactor coolant systems, and make associated changes in Table 3.3.3–3, "ECCS Response Times" and Surveillance Requirement 4.5.1 regarding response times of ECCS injection systems, Table 4.3.3.1–1, "ECCS Actuation Instrumentation Surveillance Requirements" Surveillance Requirement 4.4.3.2.2, "Reactor Coolant System Operational Leakage," Table 3.4.3.2–2, "Reactor Coolant System Interface Valves Pressure Monitors Alarm," and Table 3.4.3.2–3 "Reactor Coolant System Interface Valves Pressure Interlocks." These proposed changes were requested in Item 13 of the attachment to the licensee's letter dated August 12, 1985, as amended September 25, 1985 and supplemented October 5 and October 22, 1985 and May 30, 1986. The changes requested in Item 12 of the August 12, 1985 letter were previously noticed and issued as Amendment No. 7 to GGNS

Unit 1 License No. NPF–29 on November 8, 1985.

This notice supersedes a previous notice published in the **Federal Register** on August 28, 1985 (50 FR 34994). The previous notice was based on the licensee's initial application for amendment dated August 12, 1985. During its safety review of proposed changes to Technical Specifications for the ECCS injection valve interlocks the staff noted the licensee's proposed deletion of tests of response times for starting the ECCS systems associated with the injection valves, because the system response with valve interlocks would vary, depending on the rate of depressurization during a loss of coolant accident. The presently specified system response time (40 seconds) includes 10 seconds for starting an emergency diesel generator and 30 seconds for opening the injection valve in the system. In response to staff questions, regarding surveillance tests of injection valve opening, the licensee proposed by letter dated September 25, 1985 to include surveillance tests of the time for injection valves to move from the closed position to the open position (29 seconds). Surveillance tests of emergency diesel generator starting times (10 seconds) are presently included in Technical Specification 4.8.1.1.2. This notice is based on the revised application from that initially noticed which results in greater assurance that the ECCS injection valves will open within the design time. Appropriate changes to the initial notice regarding ECCS injection valve response time have been incorporated in this notice.

Date of publication of individual notice in **Federal Register:** September 4, 1986 (51 FR 31740).

Expiration date of individual notice: October 6, 1986

Local Public Document Room location: Hinds Junior College, McLendon Library, Raymond, Mississippi 39154.

NOTICE OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE

During the period since publication of the last bi-weekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing in connection with these actions was published in the **Federal Register** as indicated. No request for a hearing or petition for leave to intervene was filed following this notice.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendments, (2) the amendments, and (3) the Commission's related letters, Safety Evaluations and/or Environmental Assessments as indicated. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the local public document rooms for the particular facilities involved. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Alabama Power Company, Docket No. 50–348, Joseph M. Farley Nuclear Plant, Unit No. 1, Houston County, Alabama

Date of application for amendment: July 8, 1986.

Brief description of amendment: The amendment deletes the fuel rod weight limit in Technical Specification 5.3.1.

Date of issuance: September 23, 1986.

Effective date: September 23, 1986.

Amendment No. 66.

Facility Operating License No. NPF–2. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** August 13, 1986 (51 FR 28993) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated September 23, 1986. No significant hazards consideration comments received: No.

Local Public Document Room location: George S. Houston Memorial Library, 212 W. Burdeshaw Street, Dothan, Alabama 36303.

Arizona Public Service Company, et al. Docket Nos. STN 50–528 and STN 50–529, Palo Verde Nuclear Generating Station, Units 1 and 2, Maricopa County, Arizona

Date of Application for Amendments: July 23, 1986, and supplemental letters dated August 26 and September 26, 1986.

Brief Description of Amendments: The amendments revised the Technical Specifications by changing the setpoints involved with the Low Reactor Coolant Flow reactor trip function, to values which are still bounded by current safety analyses, so that process noise can be accommodated without tripping the reactor.

Date of Issuance: October 7, 1986.

Effective Date: October 7, 1986.

Amendment Nos.: 10 and 5.

Facility Operating License Nos.: NPF–41 and NPF–51: Amendments revised the Technical Specifications.

Date of Initial Notice in Federal Register: September 2, 1986 (51 FR 31179).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated October 7, 1986.

No significant hazards consideration comments were received: No.

Local Public Document Room Location: Phoenix Public Library, Business, Science and Technology Department, 12 East McDowell Road, Phoenix, Arizona 85004.

Arkansas Power and Light Company, Docket No. 50–313, Arkansas Nuclear One, Unit No. 1, Pope County, Arkansas

Date of application for amendment: April 30, 1986, as supplemented July 31, 1986.

Brief description of amendment: The amendment provides changes to ANO–1 Technical Specifications 3.14 and 4.12 related to two new thermal hydrogen recombiners to replace the existing hydrogen purge system.

Date of issuance: October 7, 1986.

Effective date: October 7, 1986, and shall be implemented no later than November 18, 1986.

Amendment No.: 102.

Facility Operating License No. DPR–51. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** June 4, 1986 (51 FR 20367).

Since the initial notice, the licensee submitted a supplement dated July 31, 1986, which responded to the Commission's request for additional information. This information did not change the original application in any way, and therefore did not warrant renoticing.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated October 7, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: Tomlinson Library, Arkansas Tech University, Russellville, Arkansas 72801.

Carolina Power & Light Company, Dockets Nos. 50–325 and 50–324, Brunswick Steam Electric Plant, Units 1 and 2, Brunswick County, North Carolina

Date of application for amendment: May 6, 1985 as supplemented February 19, 1986.

Brief description of amendment: The amendments change the Technical Specifications (TS) by modifying the surveillance requirements in TS Table 4.3.1–1 for the Turbine Stop Valve-Closure and Turbine Control Valve Fast Closure, Control Oil Pressure-Low functions of the Reactor Protection System. The amendments eliminate the need to test these functions when thermal power is below 30% of rated power.

Date of issuance: October 1, 1986.

Effective date: October 1, 1986.

Amendment No.: 100 and 129.

Facility Operating Licenses Nos. DPR–71 and DPR–62. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** June 19, 1985 (50 FR 25484). The February 19, 1986 submittal provided additional clarifying information and therefore did not change the determination of the initial **Federal Register** Notice.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated October 1, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: Southport, Brunswick County Library, 109 W. Moore Street, Southport, North Carolina 28461.

Consolidated Edison Company of New York, Docket No. 50–247, Indian Point Nuclear Generating Unit No. 2, Westchester County, New York

Date of application for amendment: May 9, 1986.

Brief description of amendment: The amendment revises the Technical Specifications to correct two typographical errors in Specification 3.10.2, Power Distribution Limits which were issued in Amendment No. 110.

Date of issuance: October 6, 1986.

Effective date: Immediately.

Amendment No.: 116.

Facilities Operating License No. DPR–26: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** July 16, 1986 (51 FR 25768).

The Commission's related evaluation of the amendment is contained in a letter dated October 6, 1986.

No significant hazards consideration comments received: No

Local Public Document Room location: White Plains Public Library, 100 Martine Avenue, White Plains, New York, 10610.

100 Duke Power Company, Docket Nos. 50–413 and 50–414, Catawba Nuclear Station, Units 1 and 2, York County, South Carolina

Date of application for amendments: September 10, 1985, as supplemented November 27, 1985, January 7 and July 31, 1986.

Brief description of amendments: The amendments lower the Low-Low Reactor Trip Signal for the steam generator level when the reactor is operating above 30% power level.

Date of issuance: September 30, 1986.

Effective date: September 30, 1986.

Amendment Nos.: 13 and 5.

Facility Operating License Nos. NPF–35 and NPF–52. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** August 27, 1986 (51 FR 30564).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated September 30, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: York County Library, 138 East Black Street, Rock Hill, South Carolina 29730.

Duke Power Company, et al., Docket Nos. 50–413 and 50–414, Catawba Nuclear Station, Units 1 and 2, York County, South Carolina

Date of application for amendments: July 15, 1986, as supplemented July 24, 1986.

Brief description of amendments: The amendments change the Technical Specifications related to application of a positive moderator temperature coefficient and to reflect the Cycle 2 refueling for Unit 1.

Date of issuance: October 1, 1986.

Effective date: October 1, 1986.

Amendment Nos.: 14 and 6.

Facility Operating License Nos. NPF–35 and NPF–52. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** August 27, 1986 (51 FR 30567).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated October 1, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: York County Library, 138 East Black Street, Rock Hill, South Carolina 29730.

Duke Power Company, et al., Docket No. 50–413, Catawba Nuclear Station, Unit 1, York County, South Carolina

Date of application for amendment: June 6, 1986.

Brief description of amendment: The amendment updates and changes a license condition to allow extension of time for the resolution of the accumulator tank instrumentation issue.

Date of issuance: October 6, 1986.

Effective date: October 6, 1986.

Amendment No.: 15.

Facility Operating License No. NPF–35. Amendment revised the Operating License.

Date of initial notice in **Federal Register:** August 13, 1986 (51 FR 28996).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated October 6, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: York County Library, 138 East Black Street, Rock Hill, South Carolina 29730.

Duke Power Company, Docket Nos. 50–369 and 50–370, McGuire Nuclear Station, Units 1 and 2, Mecklenburg County, North Carolina

Dates of applications for amendments: July 15, 1985, March 12, May 14, and July 14, 1986.

Brief description of amendments: The amendments change Technical Specification Table 3.6–2 related to containment isolation valves.

Date of issuance: September 29, 1986.

Effective date: September 29, 1986.

Amendment Nos.: 63 and 44.

Facility Operating License Nos. NPF–9 and NPF–17. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** August 27, 1986 (51 FR 30569 and 30571).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated September 29, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: Atkins Library, University of North Carolina, Charlotte (UNCC Station), North Carolina 28223.

Duke Power Company, Docket Nos. 50–369 and 50–370, McGuire Nuclear Station, Units 1 and 2, Mecklenburg County, North Carolina

Date of application for amendments: Auqust 19, 1985, as supplemented April 17, 1986.

Brief description of amendments: The amendments change the Technical Specifications (TS) to revise the limiting condition for operation action statements to increase the time allowance for restoration of boron concentration in an accumulator that is out of specification, to eliminate verification of boron concentration after a greater than 1% volume increase from the normal makeup source, and to reflect these changes in the TS Bases.

Date of issuance: September 30, 1986.

Effective date: September 30, 1986.

Amendment Nos.: 64 and 45.

Facility Operating License Nos. NPF–9 and NPF–17. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** August 27, 1986 (51 FR 30569).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated September 30, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: Atkins Library, University of North Carolina, Charlotte (UNCC Station), North Carolina 28223.

Florida Power and Light Company, et al., Docket No. 50–389, St. Lucie Plant, Unit No. 2, St. Lucie County, Florida

Date of application of amendment: July 22, 1986.

Brief description of amendment: The amendment deleted the reference to the maximum enrichment of reload fuel in Technical Specification 5.3.1.

Date of Issuance: September 30, 1986.

Effective Date: September 30, 1986.

Amendment No.: 15.

Facility Operating License No. NPF–16: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** August 27, 1986 (51 FR 30561 at 30572).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated September 30, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: Indian River Junior College Library, 3209 Virgina Avenue, Ft. Pierce, Florida.

GPU Nuclear Corporation, et al., Docket No. 50–289, Three Mile Island Nuclear Station, Unit No. 1, Dauphin County, Pennsylvania

Date of application for amendment: June 26, 1986.

Brief description of amendment: The amendment deletes one smoke detector located in the Auxiliary Building at elevation 281 feet in the cable gallery area (Fire Zone 4). The minimum number of required operable smoke detectors (i.e., two) in this fire zone remains unchanged. Besides the detector being removed, there are currently three other detectors in this fire zone.

Date of issuance: October 1, 1986.

Effective date: October 1, 1986.

Amendment No. 121.

Facility Operating License No. DPR–50. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** July 30, 1986 (51 FR 27284).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated October 1, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126.

Iowa Electric Light and Power Company, Docket No. 50–331, Duane Arnold Energy Center, Linn County, Iowa

Date of application for amendment: December 6, 1985.

Brief Description of amendment: This amendment revises the DAEC Technical Specifications to incorporate containment isolation valves for the loop B Jet Pump Sample line in Technical Specification Tables 3.7–2 and 3.7–3.

Date of issuance: October 8, 1986.

Effective date: October 8, 1986.

Amendment No.: 138.

Facility Operating License No. DPR–49. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** February 26, 1986 (51 FR 6825).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated October 8, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: Cedar Rapids Public Library, 500 First Street, S.E., Cedar Rapids, Iowa 52401.

Mississippi Power & Light Company, Middle South Energy, Inc., South Mississippi Electric Power Association, Docket No. 50–416, Grand Gulf Nuclear Station, Unit 1, Claiborne County, Mississippi

Date of application for amendment: August 12, 1985, as amended September 25, 1985 and as supplemented October 5 and October 22, 1985 and May 30, 1986; March 21, 1986, as supplemented May 30, 1986, and July 15, 1986.

Brief description of amendment: The amendment would change Technical Specifications to reflect modifications of instrumentation for the low pressure emergency core cooling systems, the automatic depressurization system and the seismic monitoring system.

Date of issuance: October 6, 1986.

Effective date: Changes to the Technical Specification pages are effective when the equipment modifications necessitating the changes are completed and the affected systems are made operable, but not later than startup following the first refueling outage.

Amendment No. 20.

Facility Operating License No. NPF–29. This amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** April 23, 1986 (51 FR 15402); August 27, 1986 (51 FR 30577); September 4, 1986 (51 FR 31740).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated October 6, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: Hinds Junior College, McLendon Library, Raymond, Mississippi 39154.

Niagara Mohawk Power Corporation, Docket No. 50–220, Nine Mile Point Nuclear Station, Unit No. 1, Oswego County, New York

Date of amendment request: January 3, 1986.

Brief description of amendment: The amendment modifies Technical Specification Table 3.6.14–1 and Notes for Table 3.6.14–1 to include the addition of an explanatory phrase to clarify the intention of the phrase "at all times."

Date of issuance: October 6, 1986.

Effective date: October 6, 1986.

Amendment No.: 88.

Facility Operating License No. DPR–63. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** May 7, 1986 (51 FR 16930).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated October 6, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: State University College at Oswego, Penfield Library—Documents, Oswego, New York 13126.

Pennsylvania Power and Light Company, Docket No. 50–388, Susquehanna Steam Electric Station, Unit 2, Luzerne County, Pennsylvania

Dates of application for amendment: April 30, June 19, July 25, September 16, and September 25, 1986.

Brief description of amendment: This amendment revised the Susquehanna Unit 2 Technical Specifications to support the operation of this unit at full rated power during Cycle 2 operation. This amendment revised the Technical Specifications in the following areas: (1) Established operating limits for Exxon and the remaining GE fuel, (2) established new Average Power Range Monitor (APRM) setpoints, (3) reflected the replacement of approximately 42 percent of the core with ENC 9x9 fuel, and (4) modified the bases section.

Date of issuance: October 3, 1986.

Effective date: Upon startup following the Unit 2 first refueling outage.

Amendment No.: 31.

Facility Operating License No. NPF–22: Amendment revised the Techncial Specifications.

Date of initial notice in **Federal Register:** August 13, 1986 (51 FR 29009).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated October 3, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701.

Portland General Electric Company, et al., Docket No. 50–344, Trojan Nuclear Plant, Columbia County, Oregon

Date of application for amendment: July 12, 1986.

Brief description of amendment: The amendment rewords the Surveillance Requirements and Bases to reflect that the Trojan ultimate heat sink is the Columbia River with the Cooling Tower basin serving as the backup.

Date of issuance: September 30, 1986.

Effective date: September 30, 1986.

Amendment No.: 120.

Facilities Operating License No. NPF–1: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** July 30, 1986 (51 FR 27288).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated September 30, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: Multnomah County Library, 801 S. W. 10th Avenue, Portland, Oregon.

Power Authority of The State of New York, Docket No. 50–286, Indian Point Unit No. 3, Westchester County, New York

Date of application for amendment: April 30, 1986.

Brief description of amendment: The amendment revised the Technical Specifications to add anticipatory reactor trip upon turbine trip to a list of other reactor trips.

Date of issuance: October 6, 1986.

Effective date: October 6, 1986.

Amendment No.: 68.

Facilities Operating License No. DPR–64: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** July 16, 1986 (51 FR 25771).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated October 6, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: White Plains Public Library, 100 Martine Avenue, White Plains, New York, 10610.

Tennessee Valley Authority, Docket Nos. 50–327 and 50–328, Sequoyah Nuclear Plant, Units 1 and 2, Hamilton County, Tennessee

Date of application for amendments: May 25, 1984, as supplemented July 11, 1986.

Brief description of amendments: The amendments delete the requirement to perform the airlock door seal leakage test by the pressure decay method for 15 minutes and add a requirement that the seal leakage be determined by precision flow methods for at least two minutes.

Date of issuance: October 2, 1986.

Effective date. October 2, 1986.

Amendment Nos.: 48 and 40.

Facility Operating License Nos. DPR–77 and DPR–79. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** September 28, 1984 (49 FR 38410).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated October 2, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: Chattanooga-Hamilton County Bicentennial Library, 1001 Broad Street, Chattanooga, Tennessee 37401.

Virginia Electric and Power Company, et al., Docket No. 50–338, North Anna Power Station, Unit No. 1, Louisa County, Virginia

Date of application for amendment: July 11, 1986.

Brief description of amendment: This amendment reinstates TS 3.4.9.1.C for NA–1 which was deleted by administrative error from the NA–1 TS in a previous amendment. TS 3.4.9.1.C specifies the necessary restrictions on temperature changes during inservice hydrostatic and leak testing surveillance.

Date of issuance: September 26, 1986.

Effective date: September 26, 1986.

Amendment No.: 86.

Facility Operating License No. NPF–4: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** August 13, 1986 (51 FR 29015).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated September 26, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room locations: Board of Supervisors Office, Louisa County Courthouse, Louisa, Virginia 23093, and the Alderman Library, Manuscripts Department, University of Virginia, Charlottesville, Virginia 22901.

NOTICE OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE AND FINAL DETERMINATION OF NO SIGNIFICANT HAZARDS CONSIDERATION AND OPPORTUNITY FOR HEARING (EXIGENT OR EMERGENCY CIRCUMSTANCES)

During the period since publication of the last bi-weekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Because of exigent or emergency circumstances associated with the date the amendment was needed, there was not time for the Commission to publish, for public comment before issuance, its usual 30-day Notice of Consideration of Issuance of Amendment and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing. For exigent circumstances, the Commission has either issued a Federal Register notice providing opportunity for public comment or has used local media to provide notice to the public in the area surrounding a licensee's facility of the licensee's application and of the Commission's proposed determination of no significant hazards consideration. The Commission has provided a reasonable opportunity for the public to comment, using its best efforts to make available to the public means of communication for the public to respond quickly, and in the case of telephone comments, the comments have been recorded or transcribed as appropriate and the licensee has been informed of the public comments.

In circumstances where failure to act in a timely way would have resulted, for example, in derating or shutdown of a nuclear power plant or in prevention of either resumption of operation or of increase in power output up to the plant's licensed power level, the Commission may not have had an opportunity to provide for public comment on its no significant hazards determination. In such case, the license amendment has been issued without opportunity for comment. If there has been some time for public comment but less than 30 days, the Commission may provide an opportunity for public comment. If comments have been requested, it is so stated. In either event, the State has been consulted by telephone whenever possible.

Under its regulations, the Commission may issue and make an amendment immediately effective, notwithstanding the pendency before it of a request for a hearing from any person, in advance of the holding and completion of any required hearing, where it has determined that no significant hazards consideration is involved.

The Commission has applied the standards of 10 CFR 50.92 and has made a final determination that the amendment involves no significant hazards consideration. The basis for this determination is contained in the documents related to this action. Accordingly, the amendments have been issued and made effective as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the application for amendment, (2) the amendment to Facility Operating License, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment, as indicated. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and at the local public document room for the particular facility involved.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Licensing.

The Commission is also offering an opportunity for a hearing with respect to the issuance of the amendments. By November 21, 1986, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) The nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) The possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

Since the Commission has made a final determination that the amendment involves no significant hazards consideration, if a hearing is requested, it will not stay the effectiveness of the amendment. Any hearing held would take place while the amendment is in effect.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325–6000 (in Missouri (800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to *(Project Director):*

petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel—Bethesda, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board, that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

Duke Power Company, Dockets Nos. 50–269, 50–270 and 50–287, Oconee Nuclear Station, Units Nos. 1, 2 and 3, Oconee County, South Carolina

Date of application for amendments: June 30, 1986, as superseded September 2, 1986.

Brief description of amendments: These amendments revise the Station's common Technical Specifications (TSs) to support the operation of Oconee Unit 2 at full rated power during the upcoming Cycle 9. In the initial **Federal Register** notice published September 11, 1986 (51 FR 32383), it was stated that the proposed amendments would revise the TSs in four areas (core protection safety limits, protective system maximum allowable setpoints, rod position limits and power imbalance limits). These amendments revise only the power imbalance limits.

Date of issuance: October 8, 1986.

Effective date: October 8, 1986.

Amendments Nos.: 151, 151 and 148.

Facility Operating Licenses Nos. DPR–38, DPR–47 and DPR–55. Amendments revised the Technical Specifications.

Public comments requested as to proposed no significant hazards consideration: Yes, published in the **Federal Register** on September 11, 1986 (51 FR 32383).

Comments Received: No.

The Commission's related evaluation of the amendments, finding of exigent circumstances, and final determination of no significant hazards consideration are contained in a Safety Evaluation dated October 8, 1986.

No significant hazards consideration comments received: No.

Attorney for licensee: J. Michael McGarry, III, Bishop, Liberman, Cook, Purcell and Reynolds, 1200 17th Street, NW., Washington, DC 20036.

Local Public Document Room location: Oconee County Library, 501 West Southbroad Street, Walhalla, South Carolina 29691.

Gulf States Utilities Company, Docket No. 50–458, River Bend Station, Unit 1 West Feliciana Parish, Louisiana

Date of Application for amendment: September 17, 1986 and supplemented by letter dated September 19, 1986.

Brief description of amendment: This amendment changed Technical Specifications Table 3.6.4–1 to permit Valve IE51*MOVF076 not to be required to be operable through October 4, 1986, thus not requiring Valve IE51*MOVF064 to be shut and permitting RCIC to be operable.

Date of Issuance: October 9, 1986.

Effective Date: September 19, 1986.

Amendment No.: 2.

Facility Operating License No. NPF–47: Amendment revised the Technical Specifications.

Public comments requested as to proposed no significant hazards consideration: No.

The Commission's related evaluation of the amendment, consultation with the State of Louisiana, and final no significant hazards considerations determination are contained in a Safety Evaluation dated October 9, 1986.

Attorney for licensee: Troy B. Conner, Jr., Esq., Conner and Wetterhahn, 1747 Pennsylvania Avenue, NW., Washington, DC 20006.

Local Public Document Room Location: Government Documents Department, Louisiana State University, Baton Rouge, Louisiana 70803.

NRC Project Director: Walter R. Butler.

Pennsylvania Power and Light Company, Docket No. 50–388, Susquehanna Steam Electric Station, Unit 2, Luzerne County, Pennsylvania

Date of application for amendment: September 12, 1986 (PLA–2719 and PLA–2720).

Brief description of amendment: This amendment revises the Susquehanna Unit 2 Technical Specification 3/4.9.11 to delete the applicability of the provisions of Technical Specification 3.0.4 for the purposes of entering Operational Condition 5 from a defueled condition during the first refueling outage.

Date of issuance: October 6, 1986.

Effective date: September 13, 1986.

Amendment No.: 29.

Facility Operating License No. NPF–22: Amendment revised the Technical Specifications.

Public comments requested as to proposed no significant hazards consideration: No.

Comments received: No.

The Commission's related evaluation of the amendment and final no significant hazards consideration determination are contained in a Safety Evaluation dated October 6, 1986.

Attorney for licensee: Jay Silberg, Esquire, Shaw, Pittman, Potts and Trowbridge, 1800 M Street NW., Washington, DC 20036.

Local Public Document Room location: Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701.

Dated at Bethesda, Maryland this 15th day of October, 1986.

For the Nuclear Regulatory Commission.

George Lear,

Acting Director, Division of PWR Licensing–A, Office of Nuclear Reactor Regulation.

[FR Doc. 86–23718 Filed 10–17–86; 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Taiwan Customs Valuation Unfair Trade Practice

AGENCY: Office of the United States Trade Representative.

ACTION: Termination of proceeding.

SUMMARY: On August 1, 1986, the President determined that certain customs valuation practices by the Taiwan authorities were actionable under section 301 of the Trade Act of 1974, as amended (19 U.S.C. 2411). He directed the U.S. Trade Representative to propose appropriate retaliatory actions. However, on August 11 Taiwan agreed to cease the unfair practice by October 1. We have confirmed that Taiwan has done so, and therefore advise the public that no retiliatory action will be proposed as earlier directed by the President.

EFFECTIVE DATE: October 1, 1986.

FURTHER INFORMATION CONTACT: Sandra Kristoff, Deputy Assistant U.S. Trade Representative for Asia and the Pacific, Office of the United States Trade Representative, (202) 395–4755.

SUPPLEMENTARY INFORMATION: On August 1 under section 301 of the Trade Act, the President determined that Taiwan had breached a 1979 agreement to apply obligations substantially similar to those applicable to developing countries under the GATT Customs Valuation Code (51 FR 28,219). Taiwan

was valuing imports for customs purposes based upon administratively determined values rather than "transaction value" (normally the invoice price).

We have confirmed that Taiwan has now abolished its artificial "duty paying list" system, and is meeting obligations substantially equivalent to those applicable to developing countries under the GATT Customs Valuation Code.

Consequently, no further action under section 301 is planned in this matter.

Judith H. Bello,

Chairman, Section 301 Committee.

[FR Doc. 86-23862 Filed 10-21-86; 8:45 am]

BILLING CODE 3190-01-M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 34-23724; File No. SR-NYSE-86-17]

Self-Regulatory Organizations; Proposed Rule Change by New York Stock Exchange, Inc. Relating to Amendments to the Exchange's Voting Rights Listing Standards for Domestic Companies

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on September 16, 1986, the New York Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization ("SRO"). The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.[1]

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed amendments to the Exchange's voting rights listing standards for domestic companies, affect section 313.00 of the NYSE Listed Company Manual. These consist of modifications to the Exchange's existing voting rights standards, often referred to as the "one share, one vote policy," that prohibit creation of a class of stock which has unusual voting provisions which tend to nullify or restrict voting or which has voting power that is not in proportion to the equity interest of the class. The proposed rule change establishes approval requirements (designated as paragraph 313.00(E)) which, if met, would allow a class or classes of common stock having other than one vote per share or a class or classes of a voting equity securities which would otherwise be objectionable under existing policy (each such class of voting equity security is referred to as "disparate voting rights stock").

Disparate voting rights stock, if created as part of a recapitalization or modification of voting rights within an existing single class of voting equity security by a public company, would be allowed if approved by a majority of the company's independent directors and a majority of the votes eligible to be cast by its public shareholders. Listed companies which have created disparate voting rights stock and have not received the required approval(s) will have two years from the date of effectiveness of the modification to comply. A company applying to list under the new provisions must obtain the required approvals prior to listing on the Exchange.

A company that distributes pro rata among its common shareholders shares of disparate voting rights stock in a "spin-off" of assets will not be subject to the approval requirements. Similarly, the approval requirements will not apply to a company with disparate voting rights stock if such stock was outstanding at the time it first became a public company, which for purposes of the policy is considered to occur when the company first has a class of voting equity security held of record by 500 shareholders. The 500 shareholder standard was selected as it is a basic measure of a company's obligation to register as a public company under section 12(g) of the Securities Exchagne Act of 1934.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rules changes and discussed any comments it received on the proposed rules changes. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(1) *Purpose.* Since the mid-1925's, the Exchange has refused to list—and has removed from the list—any company with more than one class of common stock having disparate voting rights. this prohibition is most often referred to as the "one share, one vote" policy.

In the second quarter of 1984, as a growing number of listed companies proposed recapitalizations involving the creation of a second class of common stock having multiple votes per share, the Exchange formed the Subcommittee on Shareholder Participation and Qualitative Listing Standards (the "Subcommittee") to consider the continued relevance of the Exchange's lising standards concerning shareholder participation. The Committee's initial efforts were directed to the one share, one vote policy.

In August 1984 the Subcommittee initiated a broad survey which was sent to over 3,200 Exchange constituents. The response rate to the survey was 13%. Questions in the survey sought input as to the relevance and desirability of the Exchange's policies designed to assure shareholder participation in a listed company's affairs. In particular, respondents were asked whether the Exchange's shareholder participation policies would be satisfied if two classes of stock were permitted given specific approval by shareholders.

The responses to the Subcommittee' August 1984 survey were heavily in favor of a policy modification to permit two classes of stock if approved by shareholders.

The Subcommittee presented its report to the Public Policy Committee of the Exchange Board on January 3, 1985. In formulating its responses to the Subcommittee noted in its report that there had been considerable change in the investing and regulatory world.

These changes were:

1. The extensive and sophisticated system of corporate disclosure elaborated by the Commission since 1933.

2. The prevalence on the boards of Exchange-listed companies of at least two independent directors.

3. The requirement that each domestic Exchange-listed company have an audit committee comprised of independent directors.

[1] In addition to solicting written comments at this time, the Commission has decided, as a discretionary matter, to hold public hearings after the comment period. We note that although section 19(b) only requires a written comment period, the Commission has discretion to hold hearings on significant SRO proposals. Within this discretion, the Commission has decided to limit the hearings to a two day period. The Commission will endeavor to ensure that the hearings represent a broad spectrum of interested parties, *e.g.*, large and small issuers, SROs, shareholder organizations, broker-dealers. In November, the Commission will publish a release announcing the exact date of the hearings and setting forth the issues to be addressed.

4. The increasing sophistication of the investor community. As noted in the report it is estimated that "about half of the securities of some New York Stock Exchange-listed companies are held by institutions". This increasing presence and sensitivityto issues such as those involving shareholder participation, provides an additional measure of assurance that such participation will be meaningful.

The Committee recommeded that the Exchange modify its one share, one vote policy to permit dual class capitalizations having disparate voting rights if

a. The transaction in which the shares with different voting rights are to be issued has been approved by two-thirds of all shares entitled to vote on the proposition;

b. The issuer had a majority of independent directors at the time the matter was voted upon, a majority of such directors approved the proposal; where the issuer had less than a majority of such directors, then all independent directors approved;

c. The ratio of voting differential per share is no more than one to ten; and

d. The rights of the holders of the two classes of common stock are substantially the same except for voting power per share.

The Public Policy Committee decided to send the Subcommittee's report and recommendations to the same constituents who had been surveyed in August 1984. Again, a considerable preponderance of respondents indicated that they strongly supported the general concept of a policy modification while providing various guidelines for implementation of a new policy.

Following dissemination of the Committee's report and recommendations, Congressmen John D. Dingell and Timothy E. Wirth, and Senator Alfonse M. D'Amato each convened hearings to review the issue. At those hearings the hope was expressed that a uniform shareholder voting rights standard could be reached among the New York Stock Exchange and the American Stock Exchange and the National Association of Securities Dealers. (Note: The shareholder voting rights standards of the American Stock Exchange are less stringent than those of the Exchange while NASDAQ has no shareholder voting rights standard.) Also, in June 1985, legislation, designed to preserve the one share, one vote concept across securities markets, was introduced in both the U.S. House and Senate.

Throughout 1985 and to the present, the number of listed companies creating multiple class capital structures has continued to grow and innovative techniques and novel voting provisions have been developed. Some companies have created different voting rights within a single class of common stock wherein voting power per share varies depending upon the length of time the security has been continuously held. Another variation involves different voting rights within a single class of common stock depending upon the size of the shareholders' holding. Certain recapitalizations have involved separate class voting requirements and others were effected using voting preferred stocks, some having multiple votes per share.

It has become apparent to the Exchange that there is almost no likelihood that uniform shareholder voting rights standards can be developed across the major securities markets. As the Exchange testified at the 1985 Congressional hearings;

> The Exchange believes the qualitative listing standards developed and refined over the past half-century or more—including the one share, one vote policy—have been good for its listed companies, good for their shareholders and good for this country. But, realistically, the Exchange also believes that as issues and circumstances change, it must be prepared to reexamine and revise standards and policies which may no longer be relevant. Over the years, the one share, one vote policy has served the market well. Philosophically, the Exchange still believes in it. In an ideal world, most people would probably want it to be retained. But the world is changing very rapidly and the issue transcends the New York Stock Exchange. The changes in the competitive environment that have brought the issue to prominence are national in scope. And the national competitive environment may very well preclude the Exchange from unilaterally retaining one share, one vote.

The modified policy, as presented to the Exchange's Board of Directors, was based upon the following concepts:

(1) Public companies that create disparate voting rights stock would be required, under the proposed policy, to obtain the approval of their public stockholders and independent directors. This standard is intened to assure essential shareholder participation in the important issue of the creation of disparate voting rights stock. "Insiders" and their affiliates and the company's affiliates would be excluded from the definition of public shareholders. Independent directors, those board members most closely identified with the public's interests, would also be required to approve the disparate voting rights stock.

(2) The approval requirements of the Exchange's revised policy would apply only to public companies. Companies that at their inception have disparate voting rights stock, or that issue such before the company enters the public arena, would not be subject to the approval requirements included in the Exchange's revised listing policy.

If, when a company first invites the general public to buy and sell its stock, the company already has disparate voting rights stock outstanding, the public can assess that fact before participating and can decide the extent to which the company's securities, given their particular characteristics, are attractive investment vehicles. Once the company is a public company, however, the Exchange believes that creation of disparate voting rights stock should require the approval of public stockholders and independent directors, even though the corporate law that governs the company imposes no such requirements. The creation of disparate voting rights stock by a company can dramatically alter the ground rules as to the governance of that company on all future major matters. If the public has been invited in at the time that decision is made, the Exchange believes the public should control the decision. For the purpose of determining when a company is a public company, the Exchange has borrowed from the Securities Exchange Act of 1934 which, since 1964, has required companies (unless exempt) to register under section 12(g) of the Act, thereby subjecting themselves to many important provisions of the Act, including the proxy solicitation and periodic reporting requirements, if they have total assets of $1,000,000, or more, and a class of equity security held of record by at least 500 persons.

(3) The Exchange also would not impose its approval requirements in the case of the typical "spin-off" transaction, where, for example, a company distributes to its common stockholders, in accordance with their respective holdings, disparate voting rights stock of another company that will hold certain assets of the distributing company. In such a case, the shareholders of the distributing company have not been adversely affected by the spin-off and their respective voting rights *vis a vis* the distributing company have not been affected in any way. The spun-off company, at the time it becomes publicly held already has outstanding disparate voting rights stock.

The Board of Directors of the Exchange concluded that the Exchange could no longer be expected to preserve that concept unilaterally and, at meetings held on July 3 and September

4, 1986, adopted the modified standard. The Exchange believes that the modified policy, while offering greater flexibility to corporations, does maintain investor safeguards and fosters continued shareholder participation in corporate policy. It should be noted that the requirement for approval of disparate voting rights stock by a majority of the votes eligible to be cast by the issuer's "public shareholders" exceeds the requirements of state law as well as any other self-regulatory organization. The Board's decision also took into account the significant increases in corporate governance initiatives over the past few years which provide public investors with added protections.

(2) Basis. The Exchange believes that the proposed rule change is consistent with sections 6(b)(5) and 6(b)(8) of the Securities Exchange Act of 1934, as amended. These sections, among other things, require Exchange rules to be designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and to assure fair competition among exchange markets and between exchange markets and markets other than exchange markets, and, in general, to protect investors and the public interest; and are not designed to permit unfair discrimination between customers, issuers, brokers, or dealers, or to regulate by virtue of any authority conferred by this title matters not related to the purposes of this title or the administration of the Exchange. They also require Exchange rules to not impose any burden or competition not necessary or appropriate in furtherance of the purposes of the Act. Furthermore, the Exchange believes that the proposed rule amendment will tend to assure fair competition among exchange markets and between exchange markets and markets other than exchange markets and section 11A(a)(1)(C) (ii) of the Act declares that objective to be in the public interest and appropriate for the protection of investors.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that the proposed rule change will not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Indeed, in the Exchange's view the proposed rule change will reduce such burdens by removing restrictions that presently serve to deny certain equity securities the benefits of an Exchange listing.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received written comments concerning its proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents,[2] the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communication relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be availble for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW. Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submission should refer to the file number in the caption above and should be submitted by December 5, 1986.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[2] The NYSE has consented to an extension of 90 days.

Dated: October 17, 1986.

Jonathan G. Katz,

Secretary.

[FR Doc. 86-23840 Filed 10-21-86; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 04/04-5242]

Gati Financial Corp.; Application for License To Operate as a Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1986)) for a license to operate as a small business investment company (SBIC) under the Small Business Investment Act of 1958, as amended (the Act), (15 U.S.C. 661 *et. seq.*.) and the Rules and Regulations promulgated thereunder.

Applicant: Gati Financial Corp.

Address: 1401 Peachtree Street NW., Suite 100, Atlanta, Georgia 30309

The proposed officers, directors and shareholders of the Applicant are as follows:

Name	Position	Percent of ownership
Betsy Lee Turner, 340 E. 64th Street, New York, New York 10021.	Director	100
Julio Codias, 972 Virginia Ave. NE., Atlanta, Georgia 30306.	President/Director/ Genl. Man./V. Chairman.	None
Ivan Gati, 340 E. 64th Street, New York, New York 10021.	Chairman of the Bd. Sec./Treasurer/Dir.	None

The Applicant, a Georgia corporation, will begin operations with $5,000,025 in private capital and conduct its activities principally in the State of Georgia. As a small business investment company under Section 301(d) of the Act, the Applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Act, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and

management, and the probability of successful operations of the applicant under their management, including profitability and financial soundness in accordance with the Small Business Investment Act and the SBA Rules and Regulations.

Notice is hereby given that any person may, not later than 30 days from the date of publication of this Notice, submit written comments on the proposed SBIC to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, DC 20416.

A copy of the Notice will be published in a newspaper of general circulation in the Atlanta, Georgia area.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: October 14, 1986.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 86-23826 Filed 10-21-86; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area #2256]

Kansas; Declaration of Disaster Loan Area

Wyandotte County and the adjacent County of Johnson in the State of Kansas constitute a disaster area due to a storm system that caused major flood and wind damage September 18–23, 1986. Applications for loans for physical damage may be filed until the close of business on December 15, 1986, and for economic injury until the close of business on July 15, 1987, at the address listed below:

Disaster Area 3 Office, Small Business Administration, 2306 Oak Lane, Suite 110, Grand Prairie, Texas 75051

or other locally announced locations.

The interest rates are:

	Percent
Homeowners with credit available elsewhere	8.000
Homeowners without credit available elsewhere	4.000
Businesses with credit available elsewhere	7.500
Business without credit available elsewhere	4.000
Business (EIDL) without credit available elsewhere	4.000
Other (non-profit organizations including charitable and religious organizations)	10.500

The number assigned to this disaster is 225606 for physical damage and for economic injury the number is 645200.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Dated: October 15, 1986.

Charles L. Heatherly,

Acting Administrator.

[FR Doc. 86-23815 Filed 10-21-86; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan #2251; Amendment #2]

Michigan; Declaration of Loan

The above-numbered Declaration (51 FR 34517), as amended (51 FR 36331), is hereby further amended in accordance with Notices of Amendment from the Federal Emergency Management Agency, dated October 2 and October 6, 1986, to include Allegan and Genesee Counties as adjacent areas due to servere storms and flooding beginning on or about September 10, 1986. All other information remains the same, i.e., the termination date for filing applications for physical damage is the close of business on November 17, 1986, and for economic injury until the close of business on June 18, 1987.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008.)

Dated: October 8, 1986.

Bernard Kulik,

Deputy Associate Administrator for Disaster Assistance.

[FR Doc. 86-23816 Filed 10-21-86; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area #2255]

Missouri; Declaration of Disaster Loan Area

The City of Kansas City in Jackson County, Missouri, constitutes a disaster area as a result of torrential rains, flash flooding and flooding which occurred September 17–23, 1986. Applications for loans for physical damage may be filed until the close of business on December 15, 1986, and for economic injury until the close of business on July 15, 1987, at the address listed below: Disaster Area 3 Office, Small Business Administration, 2306 Oak Lane, Suite 110, Grand Prairie, Texas 75051, or other locally announced locations.

The interest rates are:

	Percent
Homeowners with credit available elsewhere	8.000
Homeowners without credit available elsewhere	4.000
Businesses with credit available elsewhere	7.500
Businesses without credit available elsewhere	4.000
Businesses (EIDL) without credit available elsewhere	4.000
Other (non-profit organizations including charitable and religious organizations)	10.500

The number assigned to this disaster in 225506 for physical damage and for economic injury the number is 645100.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008.)

Dated: October 15, 1986.

Charles L. Heatherly,

Acting Administrator.

[FR Doc. 86-23817 Filed 10-21-86; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area # 2258]

Missouri; Declaration of Disaster Area

As a result of the President's major disaster declaration on October 14, 1986, I find that St. Charles County in the State of Missouri constitutes a disaster loan area because of severe storms and flooding beginning on September 18, 1986. Eligible persons, firms, and organizations may file applications for physical damage until the close of business on December 15, 1986, and for economic injury until the close of business on July 14, 1987, at: Disaster Area 3 Office, Small Business Administration, 2306 Oak Lane, Suite 110, Grand Prairie, Texas 75051, or other locally announced locations.

The interest rates are:

	Percent
Homeowners with credit available elsewhere	8.000
Homeowners without credit available elsewhere	4.000
Businesses with credit available elsewhere	7.500
Businesses without credit available elsewhere	4.000
Businesses (EIDL) without credit available elsewhere	4.000
Other (non-profit organizations including charitable and religious organizations	10.500

The number assigned to this disaster is 225806 for physical damage and for economic injury the number is 645600.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008.)

Dated: October 15, 1986.

Bernard Kulik,

Deputy Associate Administrator for Disaster Assistance.

[FR Doc. 86-23818 Filed 10-21-86; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area ±2257]

Montana; Declaration of Disaster Area

As a result of the President's major disaster declaration of October 14, 1986, I find that Blaine and Phillips Counties in the State of Montana constitute a disaster loan area because of severe storms and flooding beginning on September 25, 1986. Eligible persons, firms and organizations may file applications for physical damage until the close of business on December 15, 1986, and for economic injury until the close of business on July 14, 1987, at: Disaster Area 4 Office, Small Business Administration, 77 Cadillac Drive, Suite 158, Sacramento, California 95825, or other locally announced locations.

The interest rates are:

	Percent
Homeowners with credit available elsewhere	8.000
Homeowners without credit available elsewhere	4.000
Businesses with credit available elsewhere	7.500
Businesses without credit available elsewhere	4.000
Business (EIDL) without credit available elsewhere	4.000
Other (non-profit organizations including charitable and religious organizations)	10.500

The number assigned to this disaster is 225706 for physical damage and for economic injury the number is 645500.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008.)

Dated: October 15, 1986.

Bernard Kulik,

Deputy Associate Administrator for Disaster Assistance.

[FR Doc. 86-23819 Filed 10-21-86; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan #2259]

Oklahoma; Declaration of Disaster Area

As a result of the President's major disaster declaration on October 14, 1986, I find that the Counties of Cherokee, Grady, Kingfisher, Loan, Muskogee, Osage, Ottawa, Tulsa, Wagoner, and Washington, in the State of Oklahoma, constitute a disaster loan area because of severe storms and flooding beginning on September 26, 1986. Eligible persons, firms and organizations may file applications for physical damage until the close of business on December 15, 1986, and for economic injury until the close of business on July 14, 1987, at: Disaster Area 3 Office, Small Business Administration, 2306 Oak Lane, Suite 110, Grand Prairie, Texas 75051, or other locally announced locations.

The interest rates are:

	Percent
Homeowners with credit available elsewhere	8.000
Homeowners without credit available elsewhere	4.000
Businesses with credit available elsewhere	7.500
Businesses without credit available elsewhere	4.000
Businesses (EDID) without credit available elsewhere	4.000
Other (non-profit organizations including charitable and religious organizations)	10.500

The number assigned to this disaster is 225906 for physical damage and for economic injury the number is 645700.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008.)

Dated: October 15, 1986.

Bernard Kulik,

Deputy Associate Administrator for Disaster Assistance.

[FR Doc. 86-23820 Filed 10-21-86; 8:45 am]

BILLING CODE 8025-01-M

Las Vegas District Advisory Council; Public Meeting

The Small Business Administration, Las Vegas District Advisory Council will hold a public meeting on November 18, 1986, at the Small Business Administration Office, located at 301 East Steward Avenue, Downtown Station, Post Office, 3rd Floor, Las Vegas, Nevada, from 10:00 a.m. to 12:00 Noon to discuss such matters as may be presented by Council members, staff of the Small Business Administration, or others present.

For further information, write or call Elizabeth Sutton, Secretary for the Advisory Council, U.S. Small Business Administration, 301 East Stewart, Post Office Box 7527, Las Vegas, Nevada 89125, or call (702) 388-6616.

Jean M. Nowak,

Director, Office of Advisory Councils.

October 14, 1986.

[FR Doc. 86-23824 Filed 10-21-86; 8:45 am]

BILLING CODE 8025-01-M

Region IV Advisory Council; Public Meeting

The U.S. Small Business Administration Region IV Advisory Council, located in the geographical area of Georgia, will hold a public meeting at 9:30 A.M. on Friday, November 14, 1986, at the Hotel Tower Place, 3340 Peachtree Road NE., Atlanta, Georgia.

The purpose of the meeting is to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call the U.S. Small Business Administration, 1720 Peachtree Road NW., Room 600, Atlanta Georgia—(404) 347-2441.

Jean M. Nowak,

Director, Office of Advisory Councils.

October 14, 1986.

[FR Doc. 86-23821 Filed 10-21-86; 8:45 am]

BILLING CODE 8025-01-M

Region IV Advisory Council; Public Meeting

The U.S. Small Business Administration, Region IV Advisory Council, located in the geographical area of Nashville, will hold a public meeting at 2 p.m. on Tuesday, November 4, 1986, at the Maxwell House Hotel, 2025 Metrocenter Boulevard, Nashville, Tennessee 37228, to discuss such matters as may be presented by members, staff of the Small Business Administration and others attending.

For further information, write or call Robert M. Hartman, District Director, U.S. Small Business Administration, Suite 1012 Parkway Towers, 404 James Robertson Parkway, Nashville, Tennessee 37219, telephone (615) 736-5850.

Jean M. Nowak,

Director, Office of Advisory Councils.

October 14, 1986.

[FR Doc. 86-23825 Filed 10-21-86; 8:45 am]

BILLING CODE 8025-01-M

Region VII Advisory Council; Public Meeting

The U.S. Small Business Administration Region VII Advisory Council, located in the geographical area of Kansas City, will hold a public meeting at 9:00 a.m., on Thursday, November 13, 1986, at The Kansas City District Office, 1103 Grand Avenue, 5th Floor Training Room, Kansas City, Missouri 64106 to discuss such matters as may be presented by members, staff

of the U.S. Small Business Administration, or other present.

For further information, write or call Glenn Davis, District Director, U.S. Small Business Administration, 1103 Grand Avenue, 6th Floor, Kansas City, MO 64106—(816) 374–5557.

Jean M. Nowak,

Director, Office of Advisory Councils.

October 14, 1986.

[FR Doc. 86–23822 Filed 10–21–86; 8:45 am]

BILLING CODE 8025–01–M

Region VII Advisory Council; Public Meeting

The U.S. Small Business Administration, Region VII Advisory Council located in the geographical area of Omaha, Nebraska, will hold a public meeting from 10:00 a.m. to 2:30 p.m., on Wednesday, November 17, 1986, at the Omaha Club, 20th & Douglas, Omaha, Nebraska 68102, to discuss such matters as may be presented by members, staff of the Small Business Administration and others attending.

For further information, write or call Rick Budd, District Director, U.S. Small Business Administration, 11145 Mill Valley Road, Omaha, Nebraska 11154; phone (402) 221–3620.

Jean M. Nowak,

Director, Office of Advisory Councils.

October 14, 1986.

[FR Doc. 86–23823 Filed 10–21–86; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF STATE

[Public Notice 982]

Agency Forms Submitted for OMB Review

AGENCY: Department of State.

ACTION: In accordance with the provisions of the Paperwork Reduction Act of 1980, the Department has submitted proposed collections of information to the Office of Management and Budget for review.

SUMMARY: The following summarizes the information collection proposals submitted to OMB:

1. Title of information collection—Report of the Death of an American Citizen Abroad.

Form number–OF–180.

Originating office—Bureau of Consular Affairs.

Type of request—Extension.

Frequency—On occasion.

Respondents—Local authorities of foreign countries.

Estimated number of responses—7,000.

Estimated number of hours needed to respond—7,000.

2. Title of Information Collection—Report of Political Contributions and Fees in Connection With the Sale of Defense Articles or Services.

Originating office—Office of Munitions Control.

Type of request—Extension.

Frequency—Annual.

Respondents—Exporters of items on the U.S. Munitions List.

Estimated number of responses—3,000.

Estimated number of hours needed to respond—24,000.

Section 3504(h) of Pub. L. 96–511 does not apply.

Additional Information or comments: Copies of the proposed forms and supporting documents may be obtained from Gail J. Cook, (202) 647–4086. Comments and questions should be directed to (OMB) Francine Picoult (202) 395–7231.

Dated: October 14, 1986.

Donald J. Bouchard,

Assistant Secretary for Administration.

[FR Doc. 86–23843 Filed 10–21–86; 8:45 am]

BILLING CODE 4710–24–M

DEPARTMENT OF TRANSPORTATION

Radio Technical Commission for Aeronautics (RTCA); Special Committee 158; Airborne Loran-C Receiving Equipment; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Special Committee 158 on Airborne Loran-C Receiving Equipment to be held on November 6, 1986, in the RTCA Conference Room, One McPherson Square, 1425 K Street, NW., Suite 500, Washington, DC, commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Remarks; (2) Approval of the minutes of the 3rd meeting; (3) Update of FAA Loran-C Nonprecision Approach Program; (4) Review of the SC-137 Loran-C RNAV MOPS to determine its adequacy to fulfill the terms of reference for SC-158 and to replace document DO-159; (5) Define scope of further work; (6) Other business; and (7) Date and place of next meeting.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, One McPherson Square, 1425 K Street, NW., Suite 500, Washington, DC 20005; (202) 682–0266. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on October 15, 1986.

Wendie F. Chapman,

Designated Officer.

[FR Doc. 86–23799 Filed 10–21–86; 8:45 am]

BILLING CODE 4910–13–M

Federal Aviation Administration

Advisory Circular 25–9, Smoke Detection, Penetration, and Evacuation, Tests and Related Flight Manual Emergency Procedures

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of issuance of advisory circular.

SUMMARY: This notice announces the issuance of Advisory Circular (AC) 25–9, Smoke Detection, Penetration, and Evacuation Tests and Related Flight Manual Emergency Procedures, which provides guidelines for the conduct of certification tests relating to smoke detection, penetration, and evacuation, and to evaluate related Airplane Flight Manual (AFM) procedures.

DATE: AC 25–9 was issued by the Transport Airplane Certification Directorate in Seattle, Washington, on July 29, 1986.

How to obtain copies: A copy of AC 25–9 may be obtained by writing to the U.S. Department of Transportation, M–494.3, Subsequent Distribution Unit, Washington, DC 20590.

Issued in Seattle, Washington, on October 7, 1986.

Leroy A. Keith,

Manager, Aircraft Certification Division, Northwest Mountain Region.

[FR Doc. 86–23797 Filed 10–21–86; 8:45 am]

BILLING CODE 4910–13–M

Proposed Advisory Circular 20–XX; Design Considerations for Minimizing Hazards Caused by Uncontained Turbine Engine and Auxiliary Power Unit Rotor and Fan Blade Failures

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of availability of proposed Advisory Circular (AC) 20–XX, and request for comments.

SUMMARY: This notice announces the availability of and requests comments

on a proposed advisory circular (AC) concerning design precautions which can be taken to minimize the hazards to an airplane in the event of uncontained engine or auxiliary power unit rotor failure or engine fan blade failure. This notice is necessary to give all interested persons an opportunity to present their views on the proposed AC.

DATE: Comments must be received on or before February 13, 1987.

ADDRESS: Send all comments on the proposed AC to: Federal Aviation Administration, Attention: Transport Standards Staff, ANM–110, Northwest Mountain Region, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168. Comments may be inspected at the above address between 7:30 a.m. and 4:00 p.m. weekdays, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Jan Thor, Transport Standards Staff, at the address above, telephone (206) 431–2127.

SUPPLEMENTARY INFORMATION:

Comments Invited

A copy of the draft AC may be obtained by contacting the person named above under **"FOR FURTHER INFORMATION CONTACT."** Interested persons are invited to comment on the proposed AC by submitting such written data, views, or arguments as they may desire. Commenters should identify AC 20–XX and submit comments, in duplicate, to the address specified above. All communications received on or before the closing date for comments will be considered by the Transport Standards Staff before issuing the final AC.

Background

Turbine engine uncontained rotor failures have been occurring since the turbine engine was first introduced into commerical service in the 1950s. Studies have indicated consistently that while the rotor failure problem is not statistically alarming, it has the potential for causing airplane damage, such as fuel-fed fires, loss of critical systems or loss of structural integrity. Efforts to reduce the hazards caused by uncontained rotor and fan blade failures have been concentrated in three basic areas:

1. Imporvement of engine rotor and fan blade reliability;

2. Development of light-weight, effective rotor and and blade fragment containment systems; and

3. Evaluation of possible airplane design precautions which would minimize the hazards to the airplane and its systems caused by uncontained rotor and fan blade failures.

Although turbine engine and APU manufacturers are making efforts to improve the integrity of their engines, uncontained rotor and fan blade failure events continue to occur. It appears that unless a breakthrough in engine design and reliability occurs, continued emphasis is necessary in the area of airplane design precautions to reduce the hazards resulting from uncontained engine rotor and fan blade fragmentation.

Because of the random nature of uncontained rotor and fan blade failure events, it is difficult to analyze all possible failure modes and to provide protection to all areas. However, the design consideration suggested in this AC will provide guidelines for design precautions that will minimize the hazards to the airplane resulting from the rotor and fan blade failures.

Issued in Seattle, Washington, on October 7, 1986.

Leroy A. Keith,

Manager, Aircraft Certification Division, Northwest Mountain Region, ANM–100.

[FR Doc. 86–23798 Filed 10–21–86; 8:45 am]

BILLING CODE 4910–13–M

Federal Highway Administration

Environmental Impact Statement; Weeman Bridge to Winthrop, Okanogan County, WA

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement (EIS) will be prepared for a proposed highway project in Okanogan County, Washington. This Notice of Intent supersedes one published in Volume 50, Number 61 of the **Federal Register**, dated March 29, 1985.

FOR FURTHER INFORMATION CONTACT: Mr. P.C. Gregson, Division Administrator, Federal Highway Administration, Suite 501, Evergreen Plaza, 711 South Capitol Way, Olympia, Washington 98501, telephone (206) 753–9413. Mr. Clyde L. Slemmer, Project Development Engineer, Washington State Department of Transportation, Transportation Building, Olympia, Washington 98504, telephone (206) 753–6135.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Washington State Department of Transportation, will prepare an environmental impact statement (EIS) on a proposal for the reconstruction or realignment of State Route 20, immediately wast of Winthrop, Washington. A Final Environmental Impact Statement (FEIS) titled Mazama to Winthrop was approved August 20, 1973. An Environmental Assessment (EA) was prepared and approved for the portion from Mazama to Weeman Bridge Vicinity on October 21, 1980. Due to the age of the EIS, changes in project scope and new regulations taking effect, the decision was made to prepare a new EIS for the remaining Weeman Bridge to Winthrop section. The proposed improvement is necessary to eliminate substandard horizontal and vertical alignment, eliminate roadside hazards, and improve safety. Alternatives under consideration include (1) construct approximately seven miles of two lane highway within the existing highway corridor; and (2) taking no action. A public hearing will be held during the public review period for the draft EIS. Public notice will be given as to the time and place of the public hearing. The draft EIS will be available for public and agency review and comment.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above. (Catelog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation of Federal programs and activities apply to this program.)

Issued on: October 9, 1986.

David W. Hawley,

Area Engineer, Olympia, Washington.

[FR Doc. 86–23844 Filed 10–21–86; 8:45 am]

BILLING CODE 4910–22–M

Environmental Impact Statement; Orange County, CA

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that a Tier I Environmental Impact Statement will be prepared for a proposed highway project, the Eastern Transportation Corridor, in Orange County, California.

FOR FURTHER INFORMATION CONTACT: Glenn Clinton, District Engineer, Federal Highway Administration, P.O. Box 1915,

Sacramento, California 95809, Telephone: (916) 551–1310.

SUPPLEMENTARY INFORMATION: The FHWA, working with the California Department of Transportation (CALTRANS) and Orange County Environmental Management (OCEMA) will prepare an Environmental Impact Statement (EIS) on a proposal to locate on new alignment, a multimodal facility with 8 to 10 lanes and a median of sufficient width for high occupancy vehicles (HOV) or transit considerations. Transportation improvements are needed to serve existing and planned development. The proposed Eastern Transportation Corridor would extend southeasterly from State Route 91 near the Cities of Anaheim and Yorba Linda through the foothills of the Santa Ana Mountains to Interstate 5 in the vicinity of Myford Road or State Route 133 in or near the Cities of Irvine and Tustin for a distance of 12 to 16 miles.

Alternatives under consideration include (1) taking no action and (2) constructing a new 8 to 10 lane facility. Incorporated into and studied with the various build alternatives will be design variation of grade and alignments.

Consultation by Orange County with the public began in April of 1984 followed by formal scoping involving public agencies and the general public in May of 1985. In July of 1985 the County Board of Supervisors, responding to scoping comments, directed that the study area be expanded. After additional studies and public meetings the County Board of Supervisors approved the alternative alignments to be studied in the EIS/EIR currently in preparation. These consultations identified areas of special concern along the proposed route which were the focus of locally initiated (County) environmental studies. FHWA believes that this early consultation has been extensive and consistent with 40 CFR 1501.7. However, in order to inform potentially affected agencies and the public of FHWA involvement, at least one formal scoping meeting will be held. Once a date and location is established, appropriate public notification will be given.

To ensure that the full range of issues related to this proposed route are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments and questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal Programs and activities apply to this program.

Glenn Clinton,

District Engineer, Sacramento, California.

[FR Doc. 86–23845 Filed 10–21–86; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circ.—Public Debt Series—No. 32–86]

Treasury Notes of October 31, 1988, Series AF–1988

Washington, October 16, 1986

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of Chapter 31 of Title 31, United States Code, invites tenders for approximately $10,250,000,000 of United States securities, designated Treasury Notes of October 31, 1988, Series AF–1988 (CUSIP No. 912827 UC 4), hereafter referred to as Notes. The Notes will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the yield of each accepted bid. The interest rate on the Notes and the price equivalent of each accepted bid will be determined in the manner described below. Addition amounts of the Notes may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the Notes may also be issued at the average price to Federal Reserve Bank, as agents for foreign and international monetary authorities.

2. Description of Securities

2.1. The Notes will be dated October 31, 1986, and will accrue interest from that date, payable on a seminannual basis on April 30, 1987, and each subsequent 6 months of October 31 and April 30 through the date that the principal becomes payable. They will mature October 31, 1988, and will not be subject to call for redumption prior to maturity. In the event any payment date is a Saturday, Sunday, or other nonbusiness day, the amount due will be payable (without additional interest) on the next-succeeding business day.

2.2. The Notes are subject to all taxes imposed under the Internal Revenue Code of 1954. The Notes are exempt from all taxation now or hereafter imposed on the obligation or interest thereof by any State, any possession of the United States, or any local taxing authority, except as provided in 31 U.S.C. 3124.

2.3. The Notes will be acceptable to secure deposits of Federal public monies. They will not be acceptable in payment of Federal taxes.

2.4. The Notes will be issued only in book-entry form in denominations of $5,000, $10,000, $100,000, and $1,000,000, and in multiples of those amounts. They will not be issued in registered definitive or in bearer form.

2.5. The Department of the Treasury's general regulations governing United States securities, i.e., Department of the Treasury Circular No. 300, current revision (31 CFR Part 306), as to the extent applicable to marketable securities issued in book-entry form, and the regulations governing book-entry Treasury Bonds, Notes, and Bills, as adopted and published as a final rule to govern securities held in the TREASURY DIRECT Book-Entry Securities System in 51 FR 18260, *et seq.* (May 16, 1986), apply to the Notes offerd in this circular.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, DC 20239, prior to 1:00 p.m., Eastern Daylight Saving time, Wednesday, October 22, 1986. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, October 21, 1986, and received no later than Friday, October 31, 1986.

3.2. The par amount of Notes bid for must be stated on each tender. The minimum bid is $5,000, and larger bids must be in multiples of the amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10%. Fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield.

3.3. A single bidder, as defined in Treasury's single bidder guidelines, shall not submit noncompetitive tenders totaling more than $1,000,000. A noncompetitive bidder may not have entered into an agreement, nor make an agreement to purchase or sell or otherwise dispose of any noncompetitive awards of this issue prior to the deadline for receipt of tenders.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in

Government securities and are on the list of reporting dealers published by the Federal Reserve Bank of New York, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are permitted to submit tenders only for their own account.

3.5. Tenders for their own account will be received without deposit from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from all others must be accompanied by full payment for the amount of Notes applied for, or by a guarantee from a commercial bank or a primary dealer of 5 percent of the par amount applied for.

3.6. Immediately after the deadline for receipt of tenders, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established, at a 1/8 of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.500. That stated rate of interest will be paid on all of the Notes. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance of their bids. Those submitting noncompetitive tenders will be notified only if the tender is not accepted in full, or when the price at the average yield is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of Notes specified in section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this section is final.

5. Payment and Delivery

5.1. Settlement for the Notes allotted must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on Notes allotted to institutional investors and to others whose tenders are accompanied by a guarantee as provided in section 3.5. must be made or completed on or before Friday, October 31, 1986. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Wednesday, October 29, 1986. In addition, Treasury Tax and Loan Note Option Depositaries may make payment for the Notes allotted for their own accounts and for accounts of customers by credit to their Treasury Tax and Loan Note Accounts on or before Friday, October 31, 1986. When payment has been submitted with the tender and the purchase price of the Notes alloted is over par, settlement for the premium must be completed timely, as specified above. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the par amount of Notes allotted shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered definitive securities tendered in payment for the Notes allotted and to be held in TREASURY DIRECT are not required to be assigned if the inscription on the registered definitive security is identical to the registration of the note being purchased. In any such case, the tender form used to place the Notes allotted in TREASURY DIRECT must be completed to show all the information required thereon, or the TREASURY DIRECT account number previously obtained.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized, as directed by the Secretary of the Treasury, to receive tenders, to make allotments, to issue such notices as may be necessary, to receive payment for, and to issue, maintain, service, and make payment on the Notes.

6.2. The Secretary of the Treasury may at any time supplement or amend provisions of this circular if such supplements or amendments do not adversely affect existing rights of holders of the Notes. Public announcement of such changes will be promptly provided.

6.3. The Notes issued under this circular shall be obligations of the United States, and, therefore, the faith of the United States Government is pledged to pay, in legal tender, principal and interest on the Notes.

Gerald Murphy,

Fiscal Assistant Secretary.

[FR Doc. 86-23939 Filed 10-20-86; 11:32 am]

BILLING CODE 4810-40-M

VETERANS ADMINISTRATION

Agency Form Under OMB Review

AGENCY: Veterans Administration.

ACTION: Notice.

The Veterans Administration has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). This document contains an extension and lists the following information: (1) The department or staff office issuing the form, (2) the title of the form, (3) the agency from number, if applicable, (4) how often the form must be filled out, (5) who will be required or asked to report, (6) an estimate of the number of responses, (7) an estimate of the total number of hours needed to fill

out the form, and (8) an indication of whether section 3504(h) of Pub. L. 96–511 applies.

ADDRESSES: Copies of the form and supporting documents may be obtained from Jill Cottine, Agency Clearance Officer (732), Veterans Administration, 810 Vermont Avenue, NW. Washington, DC 20420, (202) 389–2146. Comments and questions about the items on the list should be directed to the VA's OMB Desk Officer, Joe Lackey, Office of Management and Budget, 726 Jackson Place, NW., Washington, DC 20503, (202) 395–7316.

DATES: Comments on the information collection should be directed to the OMB Desk Officer within 60 days of this notice.

Dated: October 16, 1986.

By direction of the Administrator.

David A. Cox,

Associate Deputy Administrator for Management.

Extension

1. Department of Veterans Benefits
2. Application for Reinstatement (Non-Medical Insurance Age 50 and Under)
3. VA From 29–353a
4. On occasion
5. Individuals or households
6. 1,454 responses
7. 485 hours
8. Not applicable

[FR Doc. 86–23813 Filed 10–21–86; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 51, No. 204
Wednesday, October 22, 1986

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

1

COMMISSION ON CIVIL RIGHTS

PLACE: 1121 Vermont Avenue, NW., Room 512, Washington, DC 20425.

DATE AND TIME: Friday, October 24, 1986, 9:00 a.m.–5:00 p.m.

STATUS OF MEETING: Open to the public.

Note.—This meeting is being held in place of the meeting scheduled for October 17, 1986.

MATTERS TO BE CONSIDERED:

I. Approval of Agenda
II. Approval of Minutes for September 11, 1986 Meeting
III. Staff Director's Report
  A. Status of Funds
  B. Personnel Report
  C. Office Directors' Reports
IV. Program Planning for FY '87
V. Report on Indian Hearing
VI. Civil Rights Developments in the Central States Region

PERSON TO CONTACT FOR FURTHER INFORMATION: Deborah Burstion-Wade, Press and Communications Division (202) 376–8312.

William H. Gillers,

Solicitor.

[FR Doc. 86–23886 Filed 10–20–86; 9:15 am]

BILLING CODE 6335-01-M

2

FEDERAL RESERVE SYSTEM

TIME AND DATE: 11:00 a.m., Monday, October 27, 1986.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204. You may call (202) 452–3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: October 17, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86–23895 Filed 10–20–86; 9:1746 am]

BILLING CODE 6210-01-M

3

NATIONAL CREDIT UNION ADMINISTRATION

Notice of Change in Subject of Meeting

The following item was deleted from the previously announced October 15, 1986, closed meeting of the National Credit Union Administration Board and added to its previously announced October 15, 1986, open meeting:

Deleted: Appeal of Field of Membership Overlap approved by Regional Director. Closed pursuant to exemption (8).

Added: Appeal by Norfolk Naval Supply Center Federal Credit Union, Norfolk, Virginia, of Field of Membership Overlap approved by Regional Director.

Earlier announcement of this change was not possible.

The previously announced open items were:

1. Approval of Minutes of Previous Open Meeting.
2. Economic Commentary.
3. Review of Central Liquidity Facility Lending Rate.
4. Central Liquidity Facility Reserving Policy for FY 1987.
5. Central Liquidity Facility Agent Commitment Fees.
6. Insurance Fund Report.
7. National Credit Union Share Insurance Fund Dividend and Insurance Premium.
8. Corporate Federal Credit Union Report.
9. Report on Progress of Supervisory Committee Guide.
10. Final Rule: Parts 740, 741 and 745, Share Insurance Rules: Advertising, Termination, Account Coverage.
11. National Credit Union Share Insurance Fund Overhead Transfer Rate.
12. Charter Amendment: Expansion of Field of Membership for Sidney FCU, #6011, Sidney, N.Y.

The previously announced closed items were:

1. Approval of Minutes of Previous Closed Meeting.
2. Central Liquidity Facility Lines of Credit. Closed pursuant to exemptions (8) and (9)(A)(ii).
3. Administrative Action under section 206 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).
4. Special Assistance under section 208 of the Federal Credit Union Act. Closed pursuant to exemption (8).
5. PC Pilot Program. Closed pursuant to exemption (2).
6. Board Briefings. Closed pursuant to exemptions (2), (8) and (9)(A)(ii).
7. Personnel Actions. Closed pursuant to exemptions (2) and (6).

The meeting was held October 15, 1986, in the Filene Board Room, 7th Floor, 1776 G Street, NW., Washington, DC.

FOR MORE INFORMATION CONTACT: Rosemary Brady, Secretary of the Board. Telephone (202) 357–1100.

Rosemary Brady,

Secretary of the Board.

[FR Doc. 86–23864 Filed 10–20–86; 9:14 am]

BILLING CODE 7535-01-M

4

NATIONAL MEDIATION BOARD

TIME AND DATE: 2:00 p.m., Wednesday, November 5, 1986.

PLACE: Board Hearing Room 8th Floor, 1425 K. Street, NW., Washington, DC.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Ratification of the Board actions taken by notation voting during the month of October, 1986.
2. Other priority matters which may come before the Board for which notice will be given at the earliest practicable time.

SUPPLEMENTARY INFORMATION: Copies of the monthly report of the Board's notation voting actions will be available from the Executive Director's office following the meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Charles R. Barnes, Executive Director, Tel: (202) 523–5920.

DATE OF NOTICE: October 15, 1986.

Charles R. Barnes,

Executive Director, National Mediation Board.

[FR Doc. 86-23903 Filed 10-20-86; 10:05 am]

BILLING CODE 7550-01-M

5

NATIONAL TRANSPORTATION SAFETY BOARD

TIME AND DATE: 9:00 a.m., Tuesday, October 28, 1986.

PLACE: NTSB Board Room, Eighth Floor, 800 Independence Avenue, SW., Washington, DC 20594.

STATUS: The first two items will be open to the public. The last three items will be closed to the public under Exemption 10 of the Government in the Sunshine Act.

MATTERS TO BE CONSIDERED:

1. *Aircraft Accident Report:* Simmons Airlines, Flight 1746, Alpena, Michigan, March 13, 1986.
2. *Board Policy:* Discussion of Board response to letters objecting to change in Part 845 regarding party spokesmen.
3. *Opinion and Order:* Rooney v. Administrator, Docket 21-EAJA-SE-6288; disposition of the Administrator's appeal from an initial decision on remand.
4. *Opinion and Order:* Administrator v. Stonehocker, Docket SE-6913; disposition of the Administrator's appeal.
5. *Opinion and Order:* Administrator v. Gaub, Docket SE-6996; disposition of respondent's appeal.

FOR FURTHER INFORMATION, CONTACT: H. Ray Smith (202) 382-6525.

H. Ray, Smith,

Federal Register Liaison Officer.

October 17, 1986.

[FR Doc. 86-23904 Filed 10-20-86; 10:05 am]

BILLING CODE 7533-01-M

6

NUCLEAR REGULATORY COMMISSION

DATE: Weeks of October 20, 27, November 3, and 10, 1986.

PLACE: Commissioners' Conference Room, 1717 H Street, NW., Washington, DC.

STATUS: Open and Closed.

MATTERS TO BE CONSIDERED:

Week of October 20

Thursday, October 23

3:30 p.m.
Affirmation Meeting (Public Meeting) (if needed)

Week of October 27—Tentative

Wednesday, October 29

2:30 p.m.
Briefing on Near Term Operating Licenses (NTOLs) (Open/Portion Closed—Ex. 5 and 7)

Thursday, October 30

10:00 a.m.
Affirmation/Discussion and Vote (Public Meeting)
a. Response to State of Ohio Petition to Intervene in Perry (Tentative)
b. Proposed Order on Perry Full Power Operating License (Tentative)
1:30 p.m.
Briefing on Status of INPO Accreditation of Utility Training Programs (Public Meeting)
2:30 p.m.
Meeting with Members of INPO Plant Managers Course (Public Meeting)

Friday October 31

10:00 a.m.
Briefing on Status of Performance Indicator Program (Public Meeting)

Week of November 3—Tentative

Monday, November 3

10:00 a.m.
Briefing on Initiatives to Improve Maintenance Performance (Public Meeting)
2:00 p.m.
Briefing on GE Containment Program (Public Meeting)

Thursday, November 6

10:00 a.m.
Briefing on Assessment of B&W Plants (Public Meeting)
2:00 p.m.
Periodic Meeting with Advisory Committee on Reactor Safeguards (ACRS) (Public Meeting) (Tentative)
3:30 p.m.
Affirmation Meeting (Public Meeting) (if needed)

Friday, November 7

10:00 a.m.
Discussion/Possible Vote on Davis Besse Restart (Public Meeting)

Week of November 10—Tentative

Monday, November 10

2:00 p.m.
Briefing on Thermal Hydraulic Research Program (Public Meeting)

Thursday, November 13

10:00 a.m.
Affirmation Meeting (Public Meeting) (if needed)

TO VERIFY THE STATUS OF MEETINGS CALL (RECORDING): (202) 634-1498.

CONTACT PERSON FOR MORE INFORMATION: Robert McOsker (202) 634-1410.

Robert B. McOsker,

Office of the Secretary.

October 16, 1986.

[FR Doc. 86-23888 Filed 10-20-86; 9:16 am]

BILLING CODE 7590-01-M

7

POSTAL SERVICE

Notice of Meeting

The Board of Governors of the United States Postal Service, pursuant to its Bylaws (39 CFR 7.5) and the Government in the Sunshine Act (5 U.S.C. section 552b), hereby gives notice that it intends to hold a meeting at 8:00 a.m. on Tuesday, November 4, 1986, in Room 332, San Francisco Post Office, 1300 Evans Avenue, San Francisco, California 94188-9998. The meeting is open to the public. The Board expects to discuss the matters stated in the agenda which is set forth below. Requests for information about the meeting should be addressed to the Secretary of the Board, David F. Harris, at (202) 268-4800.

There will also be a session of the Board on Monday, November 3, 1986, but it will consist entirely of briefings and is not open to the public.

Agenda

Tuesday Session

November 4, 1986—8:00 a.m. (Open)

1. Minutes of the Previous Meeting, October 6-7, 1986.
2. Remarks of the Postmaster General.
3. Officer Compensation.
4. Officer Salary Continuation Plan.
5. Consideration of Postal Rate Commission's Recommended Decision on Destination BMC Parcel Post.
6. Quarterly Report on Service Performance.
7. Report on Human Resources.
8. Tentative Agenda for December 1-2, 1986, Meeting in Washington, DC.

David F. Harris,

Secretary.

[FR Doc. 86-23928 Filed 10-20-86; 10:36 am]

BILLING CODE 7710-12-M

federal register

Wednesday
October 22, 1986

Part II

Environmental Protection Agency

Premanufacture Notices; Monthly Status Report for June 1986

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-53087; FRL-3087-6]

Premanufacture Notices; Monthly Status Report for June 1986

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(d)(3) of the Toxic Substances Control Act (TSCA) requires EPA to issue a list in the **Federal Register** each month reporting the premanufacture notices (PMNs) pending before the Agency and the PMNs for which the review period has expired since publication of the last monthly summary. This is the report for June 1986.

Nonconfidential portions of the PMNs may be seen in Rm. E-107 at the address below between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

ADDRESS: Written comments, identified with the document control number "[OPTS-53087]" and the specific PMN number should be sent to: Document Control Officer (TS-790), Confidential Data Branch, Information Management Division, Office of Toxic Substances, Environmental Protection Agency, Rm. E-201, 401 M Street, SW., Washington, DC 20460, (202) 382-3532.

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-613, 401 M Street, SW., Washington, DC 20460, (202) 382-3725.

SUPPLEMENTARY INFORMATION: The monthly status report published in the **Federal Register** as required under section 5(d)(3) of TSCA (90 stat. 2012 (15 U.S.C. 2504)), will identify: (a) PMNs received during June; (b) PMNs received previously and still under review at the end of June; (c) PMNs for which the notice review period has ended during June; (d) chemical substances for which EPA has received a notice of commencement to manufacture during June and (e) PMNs for which the review period has been suspended. Therefore, the June 1986 PMN Status Report is being published.

Dated: September 22, 1986.

Denise Devoe,

Acting Director, Information Management Division.

Premanufacture Notices Monthly Status Report, June 1986

I. 171 Premanufacture Notices Received During the Month

PMN No. and identity/generic name	FR citation	Expiration date
P 86-1110—Generic name: Cycloalkybutyrolactone	51 FR 21795 (6/16/86)	Aug. 30, 1986.
P 86-1111—Generic name: Dialkylpyranol	51 FR 21795 (6/16/86)	Do.
P 86-1112—Generic name: Mixed glycol and oligoesters of aromatic and aliphatic dicarboxylic acids.	51 FR 21795 (21796) (6/16/86)	Do.
P 86-1113—Generic name: Fatty acid modified polyester acrylate	51 FR 21795 (21796) (6/16/86)	Do.
P 86-1114—Generic name: Polyester polymer	51 FR 21795 (21796) (6/16/86)	Do.
P 86-1115—Generic name: Alkyl aryl sulfonic acid	51 FR 21795 (21796) (6/16/86)	Aug. 31, 1986.
P 86-1116—Generic name: Polyurethane	51 FR 21795 (21796) (6/16/86)	Do.
P 86-1117—Generic name: Polyurethane	51 FR 21795 (21796) (6/16/86)	Do.
P 86-1118—Generic name: Modified ethylene acrylate polymer	51 FR 21795 (21796) (6/16/86)	Do.
P 86-1119—Generic name: Modified ethylene	51 FR 21795 (21796) (6/16/86)	Do.
P 86-1120—Generic name: Acrylate polymer	51 FR 21795 (21796) (6/16/86)	Do.
P 86-1121—Substituted poly(oxy-1,4-butanediyl), alpha-(4-nitrobenzoyl)-omega-((4-nitrobenzoyl)-oxy-).	51 FR 21795 (21796) (6/16/86)	Do.
P 86-1122—Generic name: Maleic acid half-ester functionalized with alkenyl ether groups.	51 FR 21795 (21796) (6/16/86)	Sept. 1, 1986.
P 86-1123—Generic name: Acrylate methacrylate styrene polymer	51 FR 21795 (21796) (6/16/86)	Do.
P 86-1124—Generic name: Maleic diester functionalized with alkenyl ether groups	51 FR 21795 (21796) (6/16/86)	Do.
P 86-1125—Generic name: Reactive polyester	51 FR 21795 (21796) (6/16/86)	Do.
P 86-1126—Generic name: Fluorinated amine oxide	51 FR 21795 (21796) (6/16/86)	Do.
P 86-1127—Generic name: Substituted sulfoalkyl pyridinium salt	51 FR 21795 (21797) (6/16/86)	Sept. 2, 1986.
P 86-1128—Generic name: Polyurethane prepolymer	51 FR 21795 (21797) (6/16/86)	Do.
P 86-1129—Generic name: Modified styrene diene olefin copolymer	51 FR 21795 (21797) (6/16/86)	Do.
P 86-1130—Generic name: Modified styrene diene copolymer	51 FR 21795 (21797) (6/16/86)	Do.
P 86-1131—Generic name: Aliphatic alicyclic polyester	51 FR 23461 (6/27/86)	Sept. 3, 1986.
P 86-1132—Substituted silicone, bis[P-(P-nitro-phenoxy) phenyl]	51 FR 23461 (6/27/86)	Do.
P 86-1133—Generic name: Ethylene/acrylic acid copolymer	51 FR 23461 (6/27/86)	Do.
P 86-1134—Generic name: Ethylene/acrylic acid copolymer	51 FR 23461 (6/27/86)	Do.
P 86-1135—Generic name: Modified hydrocarbon resin	51 FR 23461 (6/27/86)	Sept. 6, 1986.
P 86-1136—Generic name: Alkyl acid phosphate salt	51 FR 23461 (23462) (6/27/86)	Do.
P 86-1137—Generic name: Sulfonated triphenylmethane dyestuff	51 FR 23461 (23462) (6/27/86)	Sept. 7, 1986.
P 86-1138—Generic name: Substituted naphthalene diazo dye	51 FR 23461 (23462) (6/27/86)	Do.
P 86-1139—Generic name: Substituted naphthalene trisazo dye	51 FR 23461 (23462) (6/27/86)	Do.
P 86-1140—Generic name: Alkylimido, aryl carboxylic acid, sodium salt	51 FR 23461 (23462) (6/27/86)	Do.
P 86-1141—Generic name: Alkyl anhydride adduct	51 FR 23461 (23462) (6/27/86)	Do.
P 86-1142—Substituted 2-chloro-4-toluidine sulfate	51 FR 23461 (23462) (6/27/86)	Do.
P 86-1143—Generic name: Cationic copolymer	51 FR 23461 (23462) (6/27/86)	Do.
P 86-1144—Substituted poly(vinyl-methoxy) siloxane	51 FR 23461 (23462) (6/27/86)	Sept. 8, 1986.
P 86-1145—Generic name: Alicyclic amine derivative	51 FR 23461 (23462) (6/27/86)	Do.
P 86-1146—Generic name: Capped aliphatic isocyanate	51 FR 23461 (23462) (6/27/86)	Do.
P 86-1147—Generic name: Thioamidine modified polyurethane	51 FR 23461 (23462) (6/27/86)	Do.
P 86-1148—Generic name: Polyurethane polyester	51 FR 23461 (23462) (6/27/86)	Do.

I. 171 PREMANUFACTURE NOTICES RECEIVED DURING THE MONTH—Continued

PMN No. and identity/generic name	FR citation	Expiration date
P 86-1149—Generic name: Styrenated acrylic polymer	51 FR 23461 (23462) (6/27/86)	Do.
P 86-1150—Generic name: Styrenated acrylic polymer	51 FR 23461 (23463) (6/27/86)	Do.
P 86-1151—Generic name: Styrenated acrylic polymer	51 FR 23461 (23463) (6/27/86)	Do.
P 86-1152—Generic name: Styrenated acrylic polymer	51 FR 23461 (23463) (6/27/86)	Do.
P 86-1153—Generic name: Polyimide precursor	51 FR 23461 (23463) (6/27/86)	Do.
P 86-1154—Generic name: Acrylated polyester	51 FR 23461 (23463) (6/27/86)	Do.
P 86-1155—Generic name: Ester of substituted cycloalkenoic acid	51 FR 23461 (23463) (6/27/86)	Do.
P 86-1156—Generic name: Substituted cycloalkenoic acid	51 FR 23461 (23463) (6/27/86)	Sept. 9, 1986.
P 86-1157—Generic name: Substituted (substituted phenyl) alkanamide	51 FR 23461 (23463) (6/27/86)	Do.
P 86-1158—Generic name: Substituted imidazole	51 FR 23461 (23463) (6/27/86)	Do.
P 86-1159—Generic name: Substituted imidazole	51 FR 23461 (23463) (6/27/86)	Do.
P 86-1160—Generic name: Substituted sulfophenyl azo substituted naphthalenesulfonic acid, salt.	51 FR 23461 (23463) (6/27/86)	Do.
P 86-1161—Generic name: Substituted sulfophenyl azo substituted naphthalenesulfonic acid, salt.	51 FR 23461 (23463) (6/27/86)	Do.
P 86-1162—Generic name: Copper complex of substituted (substituted sulfophenyl azo substituted sulfonaphthyl) (hydroxysulfophenyl azo substituted sulfonaphthyl) triazine, sodium salt.	51 FR 23461 (23463) (6/27/86)	Do.
P 86-1163—Generic name: Polymethacrylic resin for shade improver for textiles	51 FR 23461 (23463) (6/27/86)	Do.
P 86-1164—Generic name: Aqueous acrylic emulsion	51 FR 23464 (6/27/86)	Sept. 10, 1986.
P 86-1165—Generic name: Silane modified aliphatic alicyclic urethane	51 FR 23464 (6/27/86)	Do.
P 86-1166—Generic name: Bis (aromatic anhydride)	51 FR 23464 (6/27/86)	Do.
P 86-1167—Generic name: Carboxyl-functional alkyd	51 FR 23464 (6/27/86)	Do.
P 86-1168—Generic name: Gelled castor oil	51 FR 23464 (6/27/86)	Do.
P 86-1169—Generic name: Polyester modified epoxy resin	51 FR 23464 (6/27/86)	Do.
P 86-1170—Generic name: Polyamide/acrylic copolymer	51 FR 23464 (6/27/86)	Do.
P 86-1171—Generic name: Substituted phenylazo naphthalene	51 FR 23464 (6/27/86)	Do.
P 86-1172—Generic name: Substituted ethylene copolymer	51 FR 23464 (6/27/86)	Sept. 13, 1986.
P 86-1173—Generic name: Substituted ethylene copolymer	51 FR 23464 (6/27/86)	Do.
P 86-1174—Generic name: Amino functional paintable silicone fluid	51 FR 23464 (23465) (6/27/86)	Do.
P 86-1175—Generic name: Ethylene interpolymer	51 FR 23464 (23465) (6/27/86)	Sept. 14, 1986.
P 86-1176—Generic name: Trialkoxysilyl ester	51 FR 23464 (23465) (6/27/86)	Do.
P 86-1177—Generic name: Modified cycloaliphatic amine	51 FR 23464 (23465) (6/27/86)	Do.
P 86-1178—Generic name: Acrylic methacrylic functional polymer	51 FR 23464 (23465) (6/27/86)	Do.
P 86-1179—Generic name: Styrenated acrylic methacrylic polymer	51 FR 23464 (23465) (6/27/86)	Do.
P 86-1180—Generic name: Modified, maleated metal resinate	51 FR 23464 (23465) (6/27/86)	Do.
P 86-1181—Substituted 1-eicosene and isomers	51 FR 23464 (23465) (6/27/86)	Do.
P 86-1182—Generic name: Substituted glycine, derivative	51 FR 23464 (23465) (6/27/86)	Sept. 15, 1986.
P 86-1183—Generic name: Substituted (substituted phenyl) alkanamide	51 FR 23464 (23465) (6/27/86)	Do.
P 86-1184—Generic name: Substituted alkyl siliconate salt	51 FR 23464 (23465) (6/27/86)	Do.
P 86-1185—Generic name: Substituted alkyl silane ester	51 FR 23464 (23465) (6/27/86)	Do.
P 86-1186—Generic name: Aromatic polyester urethane	51 FR 23464 (23465) (6/27/86)	Do.
P 86-1187—Generic name: Substituted alkyl chlorosilane	51 FR 23464 (23465) (6/27/86)	Do.
P 86-1188—Generic name: Alkyl methacrylate ester	51 FR 23464 (23465) (6/27/86)	Do.
P 86-1189—Generic name: Bis (oxazoline)	51 FR 23465 (23466) (6/27/86)	Sept. 16, 1986.
P 86-1190—2,2,4-Tri-methyl-3-Cyclo-hexene-1-carboxaldehyde	51 FR 23466 (6/27/86)	Do.
P 86-1191—6-acetyl-1,2,3,4-tetrahydronaphthalene	51 FR 23466 (6/27/86)	Sept, 16, 1986.
P 86-1192—Generic name: Modified acrylate terpolymer	51 FR 23466 (6/27/86)	Do.
P 86-1193—Substituted sodium salt	51 FR 25251 (7/11/86)	Sept. 17, 1986.
P 86-1194—Generic name: Alkanoic anhydride	51 FR 25251 (7/11/86)	Do.
P 86-1195—Generic name: Zinc carboxylate	51 FR 25251 (25252) (7/11/86)	Sept. 20, 1986.
P 86-1196—Generic name: Copolyester	51 FR 25251 (25252) (7/11/86)	Sept. 21, 1986.
P 86-1197—Generic name: Alkyl amine	51 FR 25251 (25252) (7/11/86)	Do.
P 86-1198—Generic name: Alkyl quaternary ammonium salt	51 FR 25251 (25252) (7/11/86)	Do.
P 86-1199—Generic name: Alkyl amine	51 FR 25251 (25252) (7/11/86)	Do.
P 86-1200—Generic name: Alkyl amine	51 FR 21251 (21252) (7/11/86)	Do.
P 86-1201—Generic name: Substituted poly(oxyalkylene) aniline, carboxylic acid ester	51 FR 21251 (21252) (7/11/86)	Do.
P 86-1202—Generic name: Poly(oxyalkylene) aniline, carboxylic, acid ester	51 FR 21251 (21252) (7/11/86)	Do.
P 86-1203—Generic name: Substituted polyoxyethylene	51 FR 21251 (21252) (7/11/86)	Do.
P 86-1204—Generic name: Chromphore substituted polyoxyalkylene	51 FR 21251 (21252) (7/11/86)	Do.
P 86-1205—Generic name: Substituted aniline	51 FR 21251 (21252) (7/11/86)	Do.
P 86-1206—Generic name: Polyester	51 FR 21251 (21252) (7/11/86)	Do.
P 86-1207—Generic name: Phenolic antioxidant reaction product	51 FR 21251 (21252) (7/11/86)	Do.
P 86-1208—Generic name: Perfluorinated hydrocarbon	51 FR 21251 (21252) (7/11/86)	Do.
P 86-1209—Generic name: Trisubstitutedethoxylated-anilineazosubstituted-benzoheteroycle.	51 FR 21251 (21252) (7/11/86)	Do.
P 86-1210—Generic name: Tri-substitutedphenyl-azo-substitutedethoxylatedanilinediacetate.	51 FR 21251 (21252) (7/11/86)	Do.
P 86-1211—Generic Name: Substituted polyoxyethyleneaniline, carboxylic acid ester	51FR 21251 (21252) (7/11/86-)	Do.
P 86-1212—Generic name: Carboxylic acid salt of fatty acid polyamine amide	51 FR 21251 (21253) (7/11/86-)	Do.

I. 171 Premanufacture Notices Received During the Month—Continued

PMN No. and identity/generic name	FR citation	Expiration date
P 86-1213—Generic name: Acrylate copolymers; sulfonated acrylate copolymer; sulfonated acrylate telomer.	51 FR 21251 (21253) (7/11/86-)	Do.
P 86-1214—Generic name: Modified maleated metal resinate	51 FR 21251 (21253) (7/11/86-)	Do.
P 86-1215—Generic name: Alkyl naphthalene sulfonic acid, compound wth amine	51 FR 21251 (21253) (7/11/86-)	Do.
P 86-1216—Generic name: Polymer of polyethyleneamines with formaldehyde monobasic fatty acid dibasic fatty acid, a lactam substituted phenol and a substituted oxirane.	51 FR 21251 (21253) (7/11/86-)	Do.
P 86-1217—Generic name: Polyester polyurethane	51 FR 21251 (21253) (7/11/86-)	Sept. 22, 1986.
P 86-1218—Generic name: Benzenedicarboxylic acid, substituted	51 FR 25251 (25253) (7/11/86-)	Do.
P 86-1219—Generic name: Reaction mixture of carbomonocyclic acid, sulfonated carbomoncyclic ester, alkylene glycol and cycloalkylene glycol.	51 FR 25251 (25253) (7/11/86-)	Do.
P 86-1220—Generic name: Triazine substituted naphthalene disulfonic acid	51 FR 25251 (25252) (7/11/86-)	Sept. 23, 1986.
P 86-1221—Generic name: Acrylic resin	51 FR 25251 (25253) (7/11/86-)	Do.
P 86-1222—Generic name: Isocyanate terminated urethane prepolymer	51 FR 25251 (25253) (7/11/86)	Do.
P 86-1223—Generic name: Ethoxypropene derivative	51 FR 25251 (25253) (7/11/86)	Sept. 24, 1986.
P 86-1224—Generic name: Titanium (4+) alkanolamine polyol complex	51 FR 26055 (7/18/86)	Do.
P 86-1225—(N-octyl) (2-hydroxy-3-sulfopropyl) dimethyl quaternary ammonium hydroxide, inner salt.	51 FR 26055 (7/18/86)	Do.
P 86-1226—Generic name: Chlorinated aromatic azo anthraquinone pigment	51 FR 26055 (7/18/86)	Do.
P 86-1227—Generic name: Chlorinated aromatic azo anthraquinone pigment	51 FR 26055 (7/18/86)	Do.
P 86-1228—Generic name: Chlorinated aromatic azo anthraquinone pigment	51 FR 26055 (7/18/86)	Do.
P 86-1229—Generic name: Amine-functional polydimethyl siloxane	51 FR 26055 (7/18/86)	Do.
P 86-1230—Generic name: N-(oxo-tetrasubstituted-heteropolycycle-ylidene)-(2-hydroxy-2'4'-disubstituted-3-heteropolycycle substituted naphthoylanilide-1-ylazo) aniline.	51 FR 26055 (7/18/86)	Do.
P 86-1231—Generic name: Polyester polymer	51 FR 26055 (26056) (7/18/86)	Sept. 27, 1986.
P 86-1232—Generic name: N,N-bis[substituted poly (ethylene terephthalate)-poly(oxyalky glycol) imidazolinium chloride] alkyl stearamide.	51 FR 26055 (26056) (7/18/86)	Do.
P 86-1233—Generic name: Alkyl naphthalene sulfonic acid, reaction product with low molecular weight epoxide resin.	51 FR 26055(26056) (7/18/86)	Do.
Y 86-163—Generic name: Copolymer of polyamide with modified acrylic elastomer	51 FR 21795(21797) (6/16/86)	June 22, 1986.
Y 86-164—Generic name: Copolymer of polyamide with modified acrylic elastomer	51 FR 21795(21797) (6/16/86)	Do.
Y 86-165—Generic name: Copolymer of polyamide with modified acrylic elastomer	51 FR 21795(21797) (6/16/86)	Do.
Y 86-166—Generic name: Acrylic solution	51 FR 21795(21797) (6/16/86)	Do.
Y 86-167—Generic name: Linear saturated polyester resin containing hydroxyl groups	51 FR 21795(21797) (6/16/86)	June 23, 1986.
Y 86-168—Styrene 1,3-butadiene acrylamide itaconic acid tertiary dodecyl mercaptan sodium persulfate.	51 FR 23460 (6/27/86)	June 26, 1986.
Y 86-169—Generic name: Cycloaliphatic polyester modified with a polyester glycol	51 FR 23460 (6/27/86)	Do.
Y 86-170—Generic name: Copolymer of polymethyloctyl siloxane, polymethylvinylsilozane and polydimethylsiloxzane.	51 FR 23460 (6/27/86)	July 1, 1986.
Y 86-171—Generic name: Copolymer of polydimethylsiloxane and polymethylhydrogensiloxane.	51 FR 23460(23461) (6/27/86)	Do.
Y 86-172—Generic name: Copolymer of polydimethylsiloxane and polydiphenylsiloxane, dimethylvinyl terminated.	51 FR 23460(23461) (6/27/86)	Do.
Y 86-173—Generic name: Tall oil fatty acid modified alkyd resin	51 FR 23460(23461) (6/27/86)	Do.
Y 86-174—Generic name: Poly(ethylenterephthalate)-poly(oxy-alkyl glycol)-carboxylate polymer.	51 FR 23460(23466) (6/27/86)	July 6, 1986.
Y 86-175—Generic name: Acrylate copolymer	51 FR 23460(23466) (6/27/86)	July 9, 1986.
Y 86-176—Generic name: Acrylate polymer	51 FR 25251 (7/11/86)	July 14, 1986.
Y 86-177—Generic name: Starch grafted sodium polyacrylate	51 FR 25251 (7/11/86)	Do.
Y 86-178—Generic name: Acrylic modified polyester	51 FR 25251 (7/11/86)	July 16, 1986.
Y 86-179—Substituted linseed oil, dicyclopentadiene, mixed C_{10}, C_{15}, C_{20}, hydrocarbon stream, fumaric acid polymer.	51 FR 26057 (7/18/86)	July 17, 1986.

II. 169 Premanufacture Notices Received Previously and Still Under Review at the End of the Month

PMN No.

P 86-970
P 86-971
P 86-972
P 86-973
P 86-974
P 86-975
P 86-976
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P 86-978
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Y 86-161

III. 168 Premanufacture Notices for Which the Notice Review Period Has Ended During the Month. (Expiration of the Notice Review Period Does Not Signify That the Chemical Had Been Added to the Inventory)

PMN No.

P 84-881
P 84-1182
P 84-1183
P 85-433
P 85-536
P 85-562
P 85-875
P 85-876
P 85-877
P 85-878
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P 85-1184
P 85-1410
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P 86-834

IV. 86 Chemical Substances for Which EPA Has Received Notices of Commencement To Manufacture

PMN No. and identity/generic name	Date of commencement
P 82-326—Generic name: Substituted pyridine	Jan. 25, 1983.
P 83-699—Generic name: Copolymer of unsaturated organic compounds with polyols and isocyanates	Aug. 25, 1983.
P 84-853—Generic name: Aromatic sulfonate of substituted phenyl azo substituted heteromonocycle	May 12, 1986.
P 84-938—Polymer of hydroxy ethyl acrylate and polyisocyanate	May 27, 1986.
P 84-1120—1,2,3-Propanetricarboxylic acid, 2-(butoxy)-, tri-N-hexyl ester	Oct. 8, 1985.
P 84-1128—Generic name: Isoalkyleneoxy alkanol	Oct. 31, 1985.
P 85-30—Generic name: Carbopolycycle sulfonate of substituted heteropolycycle	May 29, 1986.
P 85-36—Generic name: Substituted pyridine	June 2, 1986.
P 85-51—Generic name: Monoethanolamine salt of lignin	Jan. 16, 1985.
P 85-103—Generic name: Thermoplastic saturated polyester	Jan. 30, 1986.
P 85-174—Generic name: Alkenyl substituted carbomonocyclic alkenyl ether	Apr. 28, 1986.
P 85-236—Generic name: Substituted pyridine	June 1, 1986.
P 85-506—Generic name: Inorganic complex of rosin	May 22, 1986.
P 85-524—Generic name: Polymer of hydroxy ethyl acrylate; desmodur W; duracarb 122; and jeffamine D230	May 19, 1986.
P 85-639—Generic name: Substituted polyglycol	May 2, 1986.
P 85-705—Generic name: Substituted polyglycol	Apr. 29, 1986.
P 85-966—3,9-Diethyl tridecan-6-one	Oct. 7, 1985.

IV. 86 Chemical Substances for Which EPA Has Received Notices of Commencement To Manufacture —Continued

PMN No. and identity/generic name	Date of commencement
P 85-1070—Generic name: Copper phthalocyanato, poly((alkyl-bishydroxyethylimidazolium)methylene) deriv., compd. with alkanoate.	Apr. 14, 1986.
P 85-1111—Phenyl tribomomethyl sulfone	May 13, 1986.
P 85-1361—Generic name: Titanium IV neoalkoxy trisneodecanoato	Mar. 10, 1986.
P 85-1363—Generic name: Titanium IV neoalkoxy, tris (3-amino) phenylato	May 30, 1986.
P 85-1366—Generic name: Titanium IV neoalkoxy, tris dioctyl phosphato-O	Apr. 20, 1986.
P 85-1406—Generic name: Substitutedaryl-substitutedaryl heterocycle, carboxylate salt	June 16, 1986.
P 85-1432—Generic name: Substituted N,N-dialkyl-M-anisidine	Apr. 9, 1986.
P 85-1440—Generic name: Benzene dicarboxylic acid, alkane diols, and alkane carboxylic acid	June 20, 1986.
P 85-1443—Chromate (7-), bis(1-(4-((3-acetyla-mino)-4-((4,8-disulfo-2-naphthalenyl)azo)phenyl) amino)-6-((6-((2-carboxyphenyl)azo)-5-hydroxy-7-sulfo-2-naphthalenyl)amino)-1,3,5-triazin-2-yl)-3-carboxypyri-diniumato(6-))-, heptasodium, di-hydrate.	Apr. 30, 1986.
P 85-1464—Generic name: Substituted pyrazol azo benzene sulfonic acid	Apr. 24, 1986.
P 85-1512—Reaction product of tallowamine with bisphenol-A diglycidyl ether, ethoxylated	June 10, 1986.
P 86-86—(29H,31H-Phthalocyaninetetrasul-fonyltetrachloride-to(2-)-N29,N30,N31,N32)-copper	June 1, 1986.
P 86-88—Phosphonium, butyltriphenyl-, bro-mide	June 5, 1986.
P 86-99—Generic name: Polyamide resin	Apr. 8, 1986.
P 86-100—Generic name: Polyamide resin	Do.
P 86-112—Generic name: Aryl alkenyl aryl nitrile	Apr. 7, 1986.
P 86-113—Generic name: Polymer of alkyl alcohol; alkyl diol; monocyclic dicarboxylic acid, dimethyl ester; and cyclic ether	Mar. 3, 1986.
P 86-126—Generic name: Lactide	May 16, 1986.
P 86-167—Generic name: Mixed glycol oligoesters of aromatic dicarboxylic acids	Feb. 27, 1986.
P 86-176—Generic name: Acid salt of a modified acrylic copolymer	Mar. 19, 1986.
P 86-183—Generic name: Modified alkyd resin	Feb. 17, 1986.
P 86-190—Generic name: Mixed acrylic ester copolymer with monobasic acid modified alkyd resin	Feb. 18, 1986.
P 86-194—Generic name: Caprolactam-blocked cycloaliphatic diisocyanate	Mar. 11, 1986.
P 86-195—Generic name: Quarternary ammonium salt of siloxane and amidine	Feb. 20, 1986.
P 86-196—Generic name: Oil-free saturated polyester	Apr. 2, 1986.
P 86-200—Generic name: Alkylamine polyglycol ether	Mar. 1, 1986.
P 86-201—Generic name: Polymer of partial ester of polyol with a carboxylic anhydride and an olefin, partial salt	Mar. 5, 1986.
P 86-211—Generic name: Aryl cycloalkyl polyamide	May 20, 1986.
P 86-222—Generic name: Substituted anthraquinone	May 22, 1986.
P 86-259—Generic name: Water soluble nylon	June 9, 1986.
P 86-261—Generic name: Chlorendic anhydride capped polyester	May 15, 1986.
P 86-279—Generic name: Substituted (2-hydroxy-benzophenoxy) propane	May 27, 1986.
P 86-349—Generic name: Preimidized-polyimide	May 5, 1986.
P 86-354—Generic name: Zirconium IV neoalkoxy tris (diisoo-ctyl) phosphato-O	May 28, 1986.
P 86-358—Generic name: Zirconium neoalkoxy tris 2-ethyl-enediami noethanolato	June 6, 1986.
P 86-359—Generic name: Zirconium IV neoalkoxy tris 3-aminophenylato	June 5, 1986.
P 86-362—Polymer of: Isophthalic acid; maleic anhydride; trimethylolpropane; 3-hydroxy-2,2-dimethyl propylbeta-hydroxy pivalete; and wacker SY231.	June 6, 1986.
P 86-400—Generic name: Dialkylenetriamine	June 3, 1986.
P 86-402—Generic name: Trisubstituted triazine	Do.
P 86-415—Generic name: Modified acrylic polymer	May 28, 1986.
P 86-416—Generic name: Modified acrylic polymer	Do.
P 86-446—1, 3-propanediol, 2-amino-2-(hydroxymethyl)-sulfate (salt)	May 29, 1986.
P 86-448—Generic name: Aromatic amine	May 20, 1986.
P 86-449—Generic name: Nitrated aromatic chemical	Do.
P 86-469—2-Naphthalenecarboxamide, N-(4-chloro-2-methoxy-5-methylphenyl)-3-hydroxy-, monosodium salt	May 23, 1986.
P 86-471—2-Hydroxy-N-(4-methoxy-2-methyl-phenyl)-11- -H-benzocalpha carbazole-3-carboxamide, mono-sodium salt	Do.
P 86-474—Generic name: Maleic acid, styrene, methylmeth-acrylate polymer	May 5, 1986.
P 86-523—Generic name: Amine salt of sulfonated heterocyclic compound	June 17, 1986.
P 86-540—Generic name: Mixture of metallic aromatic amides	May 21, 1986.
P 86-552—Generic name: Hydrocarbon modified maleated rosin ester	June 3, 1986.
P 86-553—Benzoic acid, 4-(methylphenylamino) methylene aminoethyl ester	May 23, 1986.
P 86-574—Generic name: Substituted furanone	June 6, 1986.
P 86-603—(Polyethylene) glycol ether ester	June 23, 1986.
P 86-604—Generic name: Unsaturated polyester	June 4, 1986.
P 86-624—Generic name: Ethanol, 2,2'-((3-chloro-4-((4-(functionalize alkynol) phenol)azo)phenyl) imino) bis-, bis(hydrogen sulfate) ester, sodium.	Do.
P 86-647—Generic name: Unsaturated polyester	June 11, 1986.
P 86-698—2-Naphthalenecarboxylic acid, 3-hydroxy-, phenyl ester	June 16, 1986.
P 86-700—Styrene-N-butylacrylate-dimethyl-amino ethylacrylate co-polymer	June 18, 1986.
Y 85-51—Generic name: Acrylic copolymer resin	June 6, 1986.
Y 85-63—Generic name: Isophthalic modified alkyd resin	May 6, 1986.
Y 85-113—Generic name: Chain-stopped alkyd resin	May 13, 1986.
Y 86-16—Generic name: Polyethene wax, ester	Jan. 13, 1986.
Y 86-91—Generic name: Polyester resin	Apr. 17, 1986.
Y 86-118—Generic name: Water soluble acrylate random co-polymer	May 5, 1986.

IV. 86 Chemical Substances for Which EPA Has Received Notices of Commencement To Manufacture —Continued

PMN No. and identity/generic name	Date of commencement
Y 86-119—Generic name: Water soluble acrylate random co-polymer	Do.
Y 86-120—Generic name: Water soluble acrylate random co-polymer	Do.
Y 86-125—Generic name: Polyurethane dispersion	June 15, 1986.
Y 86-126—Generic name: Polylurethane disperson	Do.
Y 86-128—Generic name: Linear saturated polyester resin containing hydroxyl groups	May 28, 1986.
Y 86-129—Generic name: Linear saturated polyester resin containing hydroxyl groups	May 20, 1986.
Y 86-130—Generic name: Branched saturated polyester resin containing hydroxyl group	Do.
Y 86-138—Generic name: Polyester	May 29, 1986.
Y 86-143—Generic name: Polyester of carbomonocyclic acid, akylene glycol and sulfonated carbomonocyclic ester	June 4, 1986.

V. 29 Premanufacture Notices Suspended as of the End of June

PMN No. and identity/generic name	FR citation	Date suspended
P 85-91—Generic name: Polyamino-polyamide-epichlorhydrin polymer	51 FR 20596 (20597) (5/17/85)	June 11, 1986.
P 85-1059—Generic name: Aliphatic anthranilate	51 FR 25778 (25779) (6/21/85)	June 3, 1986.
P 85-1220—Generic name: Chlorinated fatty acids, polyoxyalkylene esters	51 FR 32290 (32291) (8/9/85)	June 13, 1986.
P 85-1296—Generic name: Saturated and unsaturated alkylcarboxylic acid diethanalamide/triethanolamine salt.	51 FR 32302 (32306) (8/9/85)	June 25, 1986.
P 85-1316—Generic name: 2-Naphthalenesulfonic acid, 6-acetamido-4-hydroxy-[substituted]azo, 1:2 metal complex, trisodium salt.	51 FR 33630 (33631) (8/20/85)	June 17, 1986.
P 86-78—Nonyltoluene(methylnonyl-benzene	51 FR 46501 (46502) (11/8/85)	June 15, 1986.
P 86-387—Generic name: Modified acrylic ester	51 FR 4033 (4035) (1/31/86)	June 28, 1986.
P 86-466—Generic name: Hydrogen 2-[alpha(2-hydroxy-3-sulfo-5-ethenylsulfonyl phenylazo)-benzilidene hydrazino]-5-substituted, cuprate, sodium salt.	51 FR 5592 (2/14/86)	June 26, 1986.
P 86-562—Generic name: Perfluroalkyl epoxide	51 FR 8009 (8010) (3/7/86)	Sept. 6, 1986.
P 86-628—Generic name: Unsaturated dimer acids, polyester, expoxidized	51 FR 8889 (8992) (3/14/86)	June 13, 1986.
P 86-635—Generic name: Silane modified styrenated acrylate methacrylate	51 FR 10112 (3/24/86)	June 7, 1986.
P 86-649—Generic name: Alkoxylated diol diacrylate	51 FR 10112 (10113) (3/24/86)	June 3, 1986.
P 86-650—Generic name: Methacrylic ester	51 FR 10112 (10113) (3/24/86)	June 24, 1986.
P 86-658—Generic name: Nickel complexed diazomethin	51 FR 10663 (3/28/86)	June 12, 1986.
P 86-660—Generic name: Isocyanato polyester urethane acrylate	51 FR 10664 (3/28/86)	June 5, 1986.
P 86-662—Generic name: Isocyanato polyester urethan acrylate	51 FR 10664 (3/28/86)	Do.
P 86-667—N-methyl-benzene sulfonamide	51 FR 10664 (3/28/86)	June 6, 1986.
P 86-716—Generic name: Trialkylamine methyl sulfate quaternary	51 FR 12549 (12550) (4/11/86)	June 20, 1986.
P 86-814—Generic name: Modified monocyclic polyester	51 FR 12557 (4/11/86)	June 17, 1986.
P 86-823—Generic name: Functional acrylate type polymer	51 FR 12557 (12558) (4/11/86)	June 26, 1986.
P 86-847—Benzenesulfonic acid, 5-methoxy-2-[(2-hydroxy-l-naphtalenyl) azo] barium salt 2:1).	51 FR 15681 (15682) (4/25/86)	Do.
P 86-872—Generic name: Perfluoroalkyl expoxide	51 FR 15681 (15684) (4/25/86)	June 9, 1986.
P 86-873—Generic name: Perfluoroalkyl expoxide	51 FR 15681 (15684) (4/25/86)	Do.
P 86-924—Generic name: Acrylate ester	51 FR 16587 (5/5/86)	June 23, 1986.
P 86-936—Generic name: Polyester urethane methacrylate blocked	51 FR 16587 (16588) (5/5/86)	June 26, 1986.
P 86-1016—N,N-Dimethylaminopropyl-acrylamide	51 FR 18958 (5/29/86)	June 25, 1986.
P 86-1089—Generic name: Potassium alkenyl succinate	51 FR 21241 (21243) (6/11/86)	Sept. 23, 1986.

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Tennessee Wilderness Act of 1986. (Oct. 16, 1986; 100 Stat. 1235; 4 pages) Price: $1.00

H.J. Res. 753/Pub. L. 99–491

Making further continuing appropriations for the fiscal year ending September 30, 1987, and for other purposes. (Oct. 16, 1986; 100 Stat. 1239; 1 page) Price: $1.00

H.R. 5362/Pub. L. 99–492

To extend the authority of the Supreme Court Police to provide protective services for Justices and Court personnel. (Oct. 16, 1986; 100 Stat. 1240; 1 page) Price: $1.00

H.R. 5430/Pub. L. 99–493

To amend the Gila River Pima-Maricopa Indian Community judgment distribution plan. (Oct. 16, 1986; 100 Stat. 1241; 1 page) Price: $1.00

H.J. Res. 671/Pub. L. 99–494

Designating 1987 as the "Year of the Reader." (Oct. 16, 1986; 100 Stat. 1242; 1 page) Price: $1.00

S. 426/Pub. L. 99–495

Electric Consumers Protection Act of 1986. (Oct. 16, 1986; 100 Stat. 1243; 18 pages) Price: $1.00

S. 2069/Pub. L. 99–496

Job Training Partnership Act Amendments of 1986. (Oct. 16, 1986; 100 Stat. 1261; 6 pages) Price: $1.00

H.R. 2182/Pub. L. 99–497

To authorize the inclusion of certain additional lands within the Apostle Islands National Lakeshore. (Oct. 17, 1986; 100 Stat. 1267; 1 page) Price: $1.00

S. 1965/Pub. L. 99–498

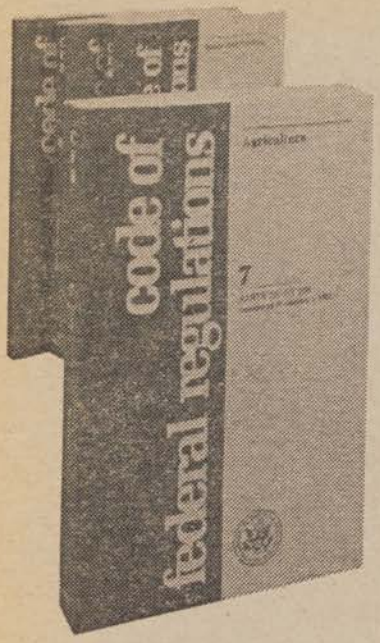
Higher Education Amendments of 1986. (Oct. 17, 1986; 100 Stat. 1268; 345 pages) Price: $10.00

H.R. 2005/Pub. L. 99–499

Superfund Amendments and Reauthorization Act of 1986. (Oct. 17, 1986; 100 Stat. 1613; 170 pages) Price: $4.75

H.J. Res. 738/Pub. L. 99–500

Making continuing appropriations for the fiscal year 1987, and for other purposes. (Oct. 18, 1986; 100 Stat. 1783)



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